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► The role and future of labour inspection and guidance in the future of work and in post COVID-19 period in Türkiye

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► Preface

World of work is undergoing a rapid and multidimensional transformation driven by technological advancements, globalization and digitalization. This transformation brings with it new needs and compliance requirements in many areas, from forms of employment to working methods. In particular, the concepts of flexibility, safety and sustainability have become fundamental elements of working life.

The COVID-19 pandemic has further accelerated this process, leading to profound changes in the world of work. The urgent need to adapt has made the implementation of alternative working models inevitable, resulting in the widespread adoption of remote work and digital-based working methods. This process has once again highlighted the importance of labour inspection and guidance in improving working conditions and ensuring compliance with legislation.

As the Directorate of Guidance and Inspection, our core approach is to maintain a labour inspection system that goes beyond inspection and is grounded in social dialogue. In line with this approach, we aim to contribute to the development of working life through a guidance-based inspection system with strengthened digital capacity.

With more than 900 labour inspectors operating across the country, the Directorate provides guidance to all actors in working life and seeks to promote compliance with legislation and strengthen labour peace through inspection and guidance activities carried out in various sectors. In this process, social dialogue mechanisms are actively utilized, and the participation of workers and employers is considered essential.

The “Workplace Compliance through Labour Inspection, Guidance and Social Dialogue Project”, implemented in cooperation with the International Labour Organization (ILO) and financed by the European Union, constitutes a concrete reflection of this approach. The present report prepared within the scope of the project serves as an important reference document, addressing trends in the future of work from a multidimensional perspective.

The report includes findings derived from consultations with labour inspectors, workers’ and employers’ organizations, and private sector representatives, and presents comparative assessments based on practices in different countries. This comprehensive approach enables a better understanding of emerging risks and opportunities in working life. Providing findings and recommendations on enhancing compliance, strengthening social dialogue and promoting the implementation of new forms of work in line with decent work principles, the report offers a valuable framework for all stakeholders.

I would like to express my sincere appreciation to the esteemed authors of the report, the ILO Türkiye Office team for their valuable contributions, our labour inspectors involved in the project coordination unit, the representatives of workers’ and employers’ organizations for their support throughout the preparation process, and all labour inspectors who act as the Ministry’s presence in the field through their guidance and inspection activities across the country. I also extend my thanks to all stakeholders involved and hope that this report will contribute to all parties.

Erol GÜNER

Ministry of Labour and Social Security
Directorate of Guidance and Inspection
Director

► Preface

Labour inspection is a cornerstone of labour administration, ensuring that rights and obligations enshrined in national legislation and international labour standards are effectively implemented in workplaces. The International Labour Organization (ILO) has consistently underlined the vital role of labour inspection in safeguarding decent work and fundamental principles and rights at work. The ILO Labour Inspection Convention, 1947 (No. 81), in particular, has long provided an essential framework for labour inspection systems to enforce the legal provisions relating to conditions of work and the protection of workers.

The Convention assigns three basic tasks to labour inspectors: ensuring that labour legislation is applied, advising employers and workers on the most effective means of achieving that aim and drawing the authorities' attention to abuses or shortcomings not currently covered by the law.

The transformations taking place in the world of work continue to evolve rapidly with profound implications on workers, workplaces and enterprises. These transformations create both opportunities and challenges for labour inspection systems, which must adapt to emerging forms of employment and associated workplace risks while sustainably maintaining their essential preventive, proactive, and enforcement functions. Changing forms of employment, such as remote work, telework, and platform work, stretch the boundaries of what traditional labour inspection systems are equipped to monitor and enforce.

"Conditions of work and the protection of workers while engaged in their work" are the fields to be covered by labour inspection, the Convention says. So, while safety and health and the fight against forced labour or child labour are crucial issues for inspectors, they are also concerned with other matters ranging from working time to pay, maternity protection, weekly rest times, leave, equality and diversity in the workplace.

If inspection systems lag behind, workers may find themselves exposed to new risks, ambiguous legal status, gaps in rights, and limited protection.

In recent years, ILO has intensified its work and effort to address these gaps. Notably, the 113th Session of the International Labour Conference, held in Geneva in Jun 2025, has initiated the process for setting a new standard on "*Decent Work in the Platform Economy*" the adoption of a binding instrument - a Convention regulating platform work accompanied by a Recommendation. The process is set to continue, under the double-discussion procedure, at the 114th Session of the International Labour Conference in June 2026. Given this global momentum, the present report is especially timely.

For Türkiye, where the prevalence of non-standard forms of employment continues to rise with tremendous challenges, the ambition is twofold: to ensure that regulatory frameworks and inspection practices are in compliance with international standards, and at the same time effectively respond to the realities of the national labour market.

The great strength of labour inspection lies in those sworn public servants, those inspectors who daily prove their commitment to decent work and their determination to get labour standards respected. To do so, they take up all sorts of challenges and overcome all sorts of obstacles, while the risks to their work, including their own safety grow.

This report seeks to provide Türkiye's tripartite constituents with a robust evidence base, including legal analysis, stakeholder perspectives, and comparative practices with the aim of strengthening labour inspection capacity including by addressing legislative gaps through informed dialogue. The objective is to ensure that decent work is a reality to all.

The report also contributes to the broader international efforts led by the ILO to promote fair, safe, and sustainable workplaces for all, through the generation of knowledge and evidence to inform policy and practice globally.

I acknowledge the valuable contributions made to this report by the authors, the labour inspectors from the Directorate of Guidance and Inspection in the Ministry of Labour and Social Security, the representatives of employers' and workers' organizations, as well as all my ILO colleagues, from Headquarters and the ILO Office for Türkiye.

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This study has been developed within the scope of the “Workplace Compliance through Labour Inspection Guidance and Social Dialogue Project”, funded by the European Union. The Project is implemented in cooperation with the Directorate of Guidance and Inspection of the Ministry of Labour and Social Security of the Republic of Türkiye (beneficiary institution) and the International Labour Organization (ILO) (implementing partner).

The study was carried out by ILO consultants Assoc. Prof. Dr. Hande Bahar Aykaç and Prof. Dr. Mahmut Ekşioğlu.

Assoc. Prof. Dr. Hande Bahar Aykaç conducted the literature review, legal analysis, comparative assessments with practices in other countries, the organization of face-to-face interviews, and the integration of interview findings into the report. She also prepared the executive summary and was responsible for the overall structuring of the report, including the conclusions, recommendations and general assessment. Prof. Dr. Mahmut Ekşioğlu prepared and implemented the survey questions; conducted the data analyses; and contributed to the development of the findings, recommendations, and overall assessments.

We sincerely thank the labour inspectors, the representatives of workers’ and employers’ organizations who participated in this study and shared their perspectives on the subject. The responses of participants and institutional representatives have been compiled with their explicit consent. The views expressed during the surveys, face-to-face focus group meetings, and in-depth interviews with key institutions are solely the responsibility of the respective participants. Institutional positions are reflected explicitly only in “2.2.6- The Findings of the Surveys, Focus Group Meetings and the Interviews with Experts in the Area”.

The analyses and assessments presented throughout the whole report reflect solely the views of the author(s) and do not represent the official positions of the Ministry of Labour and Social Security, the International Labour Organization (ILO), the European Union, or any other associated institution or organization.

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► List of abbreviations

3D	Three-Dimensional
AI	Artificial Intelligence
Art.	Article
COVID-19	Coronavirus Disease 2019
DGOSH	Directorate General of Occupational Health and Safety
DoGI	Directorate of Guidance and Inspection
DİSK	Confederation of Progressive Trade Unions of Türkiye
EC	European Commission
EU	European Union
HAK-İŞ	Confederation of Turkish Real Trade Unions
ICT	Information and Communication Technologies
ILO	International Labour Organization
İSG-KATİP	Occupational Safety and Health Registration, Tracking, and Monitoring Program
İŞKUR	Turkish Employment Agency
ITOS	Labour Inspection Automation System
ITSS	Inspección de Trabajo y Seguridad Social (Spain's Labour and Social Security Inspectorate)
MoLSS	Ministry of Labour and Social Security
OSGB	Joint Safety and Health Unit
OSH	Occupational Safety and Health
PPE	Personal Protective Equipment
SIIS	Social Information and Investigation System
SLISS	State Labour and Social Services Inspectorate
SMEs	Small and Medium-Sized Enterprises
TİSK	Turkish Confederation of Employer Associations
TÜRK-İŞ	Confederation of Turkish Trade Unions

► Executive summary

The modern workplace is undergoing a transformation driven by technology, flexible schedules, remote work models, and shifts following the pandemic. These changes bring opportunities but also present complex challenges for ensuring that workplaces adhere to necessary regulations and standards. Non-standard work arrangements have globally disrupted traditional labour and occupational safety and health (OSH) regulations. These arrangements are characterized by unconventional workplaces, irregular working hours, and working relationships that blend independent and subordinate elements. These forms of work render the traditional and well-defined boundaries of employment relationships more flexible and ambiguous. While this structure may promise greater freedom for workers, it also brings the risk of insecurity in social rights and various decent work challenges. It also raises complex issues around regulatory compliance, worker safety, work-life balance, and privacy. Labour inspection breathes life into labour laws, transforming them from mere words on paper into tangible protections and rights. However, the transformation of the workplace, driven by technological advancements and the rise of non-standard work relations mentioned, poses significant challenges for labour inspection systems that were primarily structured to inspect conventional workplaces.

Building on this framework, this study is part of an ongoing project carried out jointly by the ILO Office for Türkiye and Directorate of Guidance and Inspection (DoGI), titled 'Workplace Compliance through Labour Inspection Guidance and Social Dialogue', which is funded by the European Union. In this regard, this report is prepared to contribute to one of the project's outcomes, which is to improve the institutional capacity of the DoGI of the Ministry of Labour and Social Security (MoLSS) and social partners, aiming to increase workplace compliance and create a more decent work environment for all women and men in Türkiye. This research aims to conduct an assessment study on the role and future of labour inspection in the context of future of work and post-COVID period in Türkiye to generate a relevant knowledge and database for helping to develop evidence-based and sustainable policies for labour inspection and guidance services in Türkiye.

For this aim, the study is grounded in an analytical review of the literature, an examination of the legislative framework of Turkish legislation for new and emerging work modalities, an evaluation of best practices from the EU and other countries and strengthened by both qualitative and quantitative data obtained through in-depth interviews, focus group meetings and surveys. The study includes online and face-to-face interviews with labour inspectors and social partners, as well as surveys conducted with labour inspectors, social partners, and private sector representatives. The quantitative data collected through surveys and the qualitative data gathered from interviews and focus group meetings aim to understand the perspectives of stakeholders on the emerging and escalating challenges in work of life in Türkiye and seeks to discuss the role of labour inspection and guidance, with also providing focus on understanding the perspectives of tripartite constituents. Building on this methodological approach, the report concludes with recommendations on positioning the labour inspection and guidance system in Türkiye for the post-COVID period, while addressing emerging work modalities such as remote work (telework) and platform work within the gig economy. The report also aims to provide policy advice on potential legislation for new and emerging working modalities to ensure decent work conditions in Türkiye's future of work.

The findings and analyses presented in this report first aim to address the evolving challenges and opportunities of labour inspection posed by non-standard work arrangements in the context of the future of work, in order to contextualize the role of labour inspection and guidance and to discuss and propose new policies, methods, and approaches within this framework. These challenges arise from various factors, one challenge stems from the limited authority of inspectors to access home offices—now the workplace for many employees—due to the constitutional protection of the inviolability of private homes as a fundamental right. This challenge highlights the need for a balance between respecting workers' privacy and ensuring compliance with regulations of working conditions and occupational safety and health. For future implementation, video or app-based training programs for educating remote workers on topics like time management, work-life balance, ergonomics, and

psychosocial health could be beneficial. Technological tools, such as 3D scans of home environments, may aid in inspections of home working conditions, though privacy concerns must be addressed.

Another significant challenge in this area is the existence of legal uncertainties, particularly concerning non-standard work relationships. Indeed, the uncertainties regarding roles, rights, and obligations, not only cause confusion among the parties responsible for implementing the rules but also constrain the effective application of labour inspection. In Türkiye, uncertainties around remote work complicate labour inspections, highlighting the need for clearer regulations defining employer responsibilities and worker rights. Therefore, the Remote Work Regulation, introduced in response to the COVID-19 pandemic in Türkiye, could be further developed to address issues such as employer contributions to work-related expenses, work/rest periods, and OSH responsibilities. In this regard, Spain's Royal Decree Law 28/2020 provides a useful framework.

The practices and experiences that emerged during the COVID-19 pandemic can be leveraged to overcome the challenges associated with the inspection of atypical forms of work, including remote work. The pandemic has highlighted the need for data analysis to detect and prevent labour violations, with feedback mechanisms improving predictive models. Enhanced data sharing, remote access to inspection resources, and continued use of digital solutions for combating undeclared work will be crucial in the post-pandemic period. The pandemic highlighted the importance of flexible, technology-driven labour inspection systems. A strategic combination of physical inspections (including inspection visits) for OSH concerns and remote methods for some basic administrative issues ensures efficient resource allocation and comprehensive workplace oversight. Strengthened digital infrastructure, including AI and data mining, enhances inspection capabilities, while tools like apps provide real-time data access. These solutions can guide Türkiye in modernizing its inspection system to meet evolving workplace challenges effectively.

Digital platform work presents significant challenges for traditional labour inspection mechanisms due to the temporary and often undeclared nature of work relationships, as well as the blurred distinctions between employee and self-employed statuses. The decentralized and cross-border nature of platform work, combined with privacy regulations for home-based work, complicates enforcement. Platforms' reluctance to share data, reliance on algorithmic management, and the lack of transparency further hinder inspectors' ability to ensure compliance. Legal ambiguities and complex tax and social security obligations exacerbate these challenges, reducing worker protection and undermining fair competition.

Countries are adopting innovative strategies to address these issues, including mandatory platform registration, licensing, and reporting requirements, as seen in Chile, Portugal, and Croatia. Belgium's Social Fraud Action Plan demonstrates the effectiveness of joint inspections and data analytics in combating undeclared work, while France's labour inspectors actively reinterpret worker classifications to protect platform workers. Digital tools, such as big data and data mining, alongside collaboration among regulatory bodies, have emerged as critical for detecting non-compliance and enhancing oversight. Additionally, public awareness campaigns, like those in Canada, are essential to educate platform workers about their rights and obligations, underscoring the importance of a multifaceted approach to regulating the platform economy. In Ontario, Canada, new regulations will appoint compliance officers to oversee digital platform work and ensure adherence to specific laws. Similarly, Chile has categorized platform workers as "dependent" and "independent," offering employee rights to dependent workers while providing protections for independent workers. In Europe, countries like Spain and France have introduced new laws and inspection methods targeting platform workers controlled by algorithms. Spain's "Riders' Law" presumes the employment status of workers controlled by platforms and trains inspectors to detect misclassification. However, it is emphasized that addressing the uncertainty surrounding platform workers' employment status also requires strengthening inspections and data sharing. Such initiatives can help ensure fair labour practices in platform work and promote decent employment, which may also serve as a model for Türkiye.

The spread of atypical employment also increases the risk of informality. In particular, since protective labour laws cannot be applied to informal workers, insecurity is further heightened. The COVID-19 pandemic has exacerbated the adverse impacts on informal workers. Combating undeclared work requires training inspectors to recognize signs of such work and establish strategic partnerships with

domestic and international stakeholders. Some countries have integrated efforts to address undeclared work into labour inspection strategies. France has a robust framework, including detailed legislation, the National Plan to Fight Against Illegal Work, and coordinated efforts from various agencies like labour inspectors, tax authorities, and police. The French courts use “indication clustering” to assess employment relationships, focusing on subordination and fraudulent practices such as false self-employment or disguised internships. Italy reformed its labour market through the Biagi Law, restructuring its labour inspection services to address irregular work. Spain assumes an employment relationship by law whenever work is performed under someone’s direction for remuneration, and its labour inspectorate evaluates contracts to determine the nature of the relationship. These international examples underscore the need for comprehensive and coordinated efforts to combat undeclared work effectively. In Türkiye, addressing undeclared work is primarily conducted by the Social Security Institution. On the other hand, combating undeclared work, conducting inspections based on sectoral analyses for this purpose, and recommending necessary measures are also among the duties of the Directorate of Guidance and Inspection and labour inspectors, according to the legislation of Directorate of Guidance and Inspection (Art. 8/c). Therefore, labour inspectors take this issue into account during their inspections and notify the Social Security Institution when they identify undeclared work in workplaces.

Digitalization itself offers an opportunity to enhance the efficiency and effectiveness of labour inspection processes. The digital transformation process in the Turkish labour inspection system has already begun. During the COVID-19 pandemic, the infrastructure of the Data Center (the digital platform of the Labour Inspectorate, which provides access to labour inspection statistics and workplace-related information, as well as an interface for receiving assignments) was strengthened. Therefore, the COVID-19 period has acted as a driving force for enhancing digitalization and technological infrastructure. In Türkiye, the Data Center and the Labour Inspection Automation System (ITOS) are currently used to ensure that the tasks and operations of the Labour Inspectorate are carried out efficiently and effectively. This study recommends upgrading the ITOS to a more advanced digital platform, e-ITOS, which would feature comprehensive data integration, e-signature capabilities, and decision-support mechanisms to streamline operations. Additionally, leveraging big data and data mining technologies could significantly aid in detecting non-compliance, addressing informal work practices, and formalizing economic activities, particularly within platform work. Enhancing traceability through digital contracts, complaint reports, and payment records is also crucial for ensuring transparency and accountability across workplaces. The utilization of technology may also enable some inspections to be conducted remotely, particularly when the objective is mainly to verify documents, gather witness statements, or confirm the status of physical installations using photographic evidence, as also stated in the ILO’s Guidelines on General Principles of Labour Inspection. It is crucial to note that it is neither possible nor appropriate to conduct remote inspections for all aspects of labour inspection. Therefore, as a first step, it is necessary to determine which subjects and areas can be effectively and efficiently inspected remotely. For instance, maintaining on-site inspection methods is essential in OSH, especially those with high risks and frequent occupational accidents and sicknesses. On-site inspection is also vital for addressing enforcement of legislation related to other fundamental rights and principles at work like child labour, forced labour, or discrimination, which are difficult to enforce remotely. These measures will enable labour inspectorates to adapt to evolving workplace dynamics and improve their capacity to address complex challenges effectively.

Fostering robust collaboration between social partners is also essential for improving labour inspection and workplace compliance. Revitalizing and enhancing the effectiveness of existing tripartite institutions, such as the National OSH Council and the Tripartite Advisory Board, can create a platform for effective dialogue among government bodies, employers, and unions. Trade unions, in particular, can contribute significantly by raising awareness about OSH and compliance requirements in non-standard work arrangements. Moreover, innovative initiatives such as the proposed DoGI Academy based on online platform in the focus group meetings can promote stakeholder engagement through digital training modules and interactive workshops, enhancing communication and shared responsibility across all parties.

One of the challenges brought by new forms of work is the increase in risks that are difficult to detect and inspect, such as psychosocial risks due to factors like working in isolation, lack of social interaction, and exposure to cyberbullying or online harassment. In many European countries and in Türkiye, most violations leading to prosecution focus on “conventional” risks rather than escalating ones, such as psychosocial risks. Despite the recognized significance of psychosocial hazards like stress, violence, and bullying, they are rarely the focus of prosecution due to technical and legal challenges. To address this, specialists in psychosocial risks should be considered, and worker and employer organizations can help raise awareness. Nordic countries, such as Denmark and Iceland, are leading efforts with dedicated inspection campaigns and initiatives focusing on psychosocial issues, supported by media campaigns.

The increasing use of digital technologies for employee monitoring, such as camera surveillance, GPS tracking, and wearable devices, is another issue that labour inspection needs to take into account. While digital monitoring can enhance occupational safety and health by detecting risks like fatigue, illness, and stress, it can also lead to privacy concerns, mental health issues, and potential misuse, such as mobbing or discrimination. Excessive monitoring beyond its legitimate purpose violates personal data protection and privacy laws, and tools like microchips that track employees’ movements are deemed unlawful, even with consent. Clear guidelines and regulations for digital monitoring are necessary, as recommended by inspectors in Norway. In Türkiye, an informative guide on workers’ rights related to digital surveillance could help ensure compliance and address risks, in collaboration with the Personal Data Protection Authority.

Enhancing the competencies and training of labour inspectors is vital to effectively address emerging challenges in new working relations. Labour inspectors should be equipped with specialized training to understand the dynamics of platform work, including the use of algorithms and the recognition of disguised employment. To strengthen inspectorates’ capacity to monitor and detect labour law breaches, Spain’s model — the details of which are presented in this report — is considered as a notable example of a good practice. It is recognized for its persistent and coordinated efforts, emphasis on structural awareness, and focus on building inspector capacity through information campaigns, technical manuals, training, and coordinated monitoring. Additionally, inspectors need to be skilled in identifying and evaluating psychosocial and musculoskeletal risks arising and escalating from non-traditional work arrangements. Furthermore, fostering interdisciplinary expertise through collaboration with IT specialists and artificial intelligence researchers will ensure that inspectors are well-equipped to address the technological advancements shaping modern workplaces. Implementing these recommendations necessitates a phased approach. In the short term, launching targeted awareness campaigns related to mentioned risks, piloting inspections blended with digital tools, and creating focused training programs for inspectors are vital.

In summary, adapting Türkiye’s labour inspection system to the future of work requires a multipronged approach that balances modernization with traditional methods. By eliminating ambiguities regarding the issue, leveraging technology, enhancing inspector skills, and fostering collaboration, the system can ensure better worker protection, compliance, and resilience in the face of evolving workplace challenges.

► Introduction

One of the most important ways to ensure the enforcement of the effectiveness of labour law is labour inspection. Indeed, ensuring compliance with the mandatory rules introduced in labour law and related legislation can only be achieved by the state inspecting whether these rules are being followed and, if necessary, applying deterrent sanctions. As stated in Labour Law of Türkiye No. 4857, “The State monitors, supervises and inspects the implementation of legislation related to working life. This duty is carried out by labour inspectors, vested with powers of inspection and supervision, in sufficient number and qualifications, under the Ministry of Labour and Social Security.” (Art. 91/1).

Especially with the trend emerging from economic and technological developments in the last 40 years, the concept of the modern workplace is undergoing a significant transformation. The traditional relationship between an employer and an employee, characterized by clear delineation of lines/boundaries, is evolving away from being a relationship that can be clearly defined. Indeed, businesses now prefer to operate within a framework of a multi-layered/fragmented work model rather than establishing direct employment relationships. In doctrinal terms, this structure is referred to as a “fissured workplace”¹. This is because the workplace now resembles a rock with cracks, which are increasingly widening and deepening. What this statement aims to emphasize is the growing prevalence of outsourcing in employment relationships, subcontracting, franchising, the supply of workers through temporary employment agencies, and practices of transforming or classifying employer-employee relationships as independent working arrangements. Besides, there is a growth in non-standard work modalities such as tele/mobile work, home-based work, fixed-term work, on-call work, part-time work, irregular/flexible working hour arrangements. Alongside this transformation, payment systems, work intensity and psychosocial conditions at work are also changing, undeclared work and bogus job is rising. All these developments have significant negative consequences for individuals who earn their livelihood through their labour, including the unequal distribution of economic resources and insecurity in work and income. Moreover, much research suggests that non-standard work arrangements are associated with weaker Occupational Safety and Health (OSH) conditions².

In addition to the above-mentioned facts, the COVID-19 pandemic, which has profoundly impacted the whole world, has accelerated all these changes and transformations, leaving lasting effects. It has led to increased unemployment, poverty, and economic and social inequalities, particularly for disadvantaged groups such as women, workers in the informal economy, and temporary workers. Besides, non-standard employment arrangements such as remote (home-based) work and platform work have become even more widespread due to social distancing measures.

In addition to the pandemic itself posing an OSH risk, psychosocial and ergonomic risks related to remote work also increased during this period. Indeed, prior to the pandemic, the focus of OSH was primarily on physical safety and hygiene risks, particularly on the prevention of occupational diseases and workplace accidents. In contrast, the pandemic has brought psychosocial risks, which had previously received insufficient attention, into greater visibility³. On the other hand, frontline workers, including those in healthcare, emergency services, and essential goods production, were dealing with increased stress, longer work hours, and reduced rest periods due to the COVID-19 pandemic⁴. Besides, concerns about contracting the virus at work and spreading it to family, friends, and colleagues, when proper protective measures were absent, added to their stress.

Individuals working from home also faced various psychosocial risks, such as isolation, blurred boundaries between work and personal life, and increased domestic violence while fears related to job loss, wage cuts, and unemployment further exacerbated the negative effects on mental health⁵. This situation has led to an increase not only in psychological effects such as mental fatigue, burnout,

¹ Weil, 7-9.

² ILO, 2016.

³ ILO, 2022a, 18.

⁴ ILO, 2020, 6.

⁵ ILO, 2020, 6.

anxiety, depression, and suicidal thoughts, but also in physical symptoms including digestive problems, fatigue, cardiovascular and musculoskeletal disorders, as well as in issues such as increased use of tobacco, alcohol, or drugs as a way of coping⁶. During the pandemic, the increase in remote work and the use of information and communication technologies (ICT) has been a factor that has increased cyberbullying incidents.

Under the conditions described above, labour inspections have been responsible not only for ensuring the enforcement of labour legislation but also for enabling economic activity to continue in a safe manner. This dual responsibility led to the development of more strategic methods of intervention, particularly in industries where teleworking was not an option. While legal barriers limited labour inspectors' ability to conduct inspections in private homes, and face-to-face inspections posed health risks, inspectorates adapted their practices to address these challenges. On the other hand, the conditions that emerged from the pandemic, along with limitations on citizens' mobility and shortages of essential items, have led to increased violence against personnel such as labour inspectors or police officers tasked with enforcing the measures and OSH legislation, as well as those involved in the sale and delivery of essential goods⁷.

Overall, the expansion of non-standard employment and the pandemic period have eroded regulatory social safeguards for employees, leading to intricate challenges for labour inspectorates in enforcing labour standards, including OSH regulations. As emphasized in the ILO's "Centenary Declaration for The Future of Work", strengthening labour administration and inspection is crucial for addressing these issues and developing a human-centred approach to the future of work in accordance with the ILO's Constitutional mandate.

In this context, this study not only examines the current situation in Türkiye concerning this issue but also seeks to offer insights into the role of labour inspection and guidance⁸ within the framework of the future of work and the post-COVID-19 period in Türkiye. Accordingly, the report will be structured as follows:

Chapter 1 will review the current legislative framework on new and emerging working modalities regulated and unregulated in Türkiye such as remote work, temporary employment relationships, work on call and platform work reflecting on an international comparative approach to strengthen worker protection for a changing world of work.

Chapter 2 will focus on "The Role of Labour Inspection and Guidance Services in The Context of Future of Work". At the beginning of this section, the "Current Legislative and Regulatory Framework Regarding Labour Inspection and Guidance Services in Türkiye" will be presented. In this regard, topics such as "Organizational Structure of Labour Inspection", "DoGI as a Central Authority", "Powers, Duties and Responsibilities of Labour Inspectors", "Labour Inspection Process", "Labour Inspection on Working Conditions", "Labour Inspection on Occupational Safety and Health", and "Implementation of Administrative and Punitive Sanctions" will be scrutinized. "The Role of The Labour Inspection and Guidance Systems in the Context of Future of Work in Türkiye within the framework of the International Comparative Analysis" will also aim to examine various inspection methodologies used in different countries, such as some European Union countries concerning OSH and working conditions.

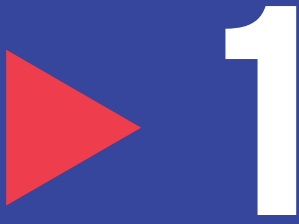
In Chapter 3, the report will present the results of qualitative and quantitative analysis of interviews and survey results with labour inspectors, social partners and private sector representatives to understand the perspectives and insights of different actors on the subject.

In Chapter 4, the report will conclude with recommendations on how to position the labour inspection and guidance system in the post-COVID-19 period in Türkiye and feasible recommendations including the possible legislation on strengthening LI's capabilities and new and emerging working modalities to contribute to enhancing decent work conditions in the future of work in Türkiye.

⁶ According to the ILO, workplace occupational safety and health management systems (OSH-MS), emergency preparedness plans, and return to work plans designed to address the COVID-19 crisis should include measures for protecting workers' mental health (ILO, 2020, 7).

⁷ ILO, 2020, 16.

⁸ Guidance" refers to the informational and advisory function of the Labour Inspectorate, as outlined in Article 3(b) of the Labour Inspection Convention (No. 81), which states, "to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions."



Current legislative framework on new and emerging working modalities in Türkiye



In Türkiye, flexible working models such as telework, part-time employment, and various forms of digital platform work are on the rise, replacing the typical employment relationship characterized by indefinite term contract and full-time employment. Some of these flexible working models, including remote work and part-time work, are regulated under Labour Law No. 4857. However, there is currently no specific regulation addressing some emerging work modalities, such as platform work in Türkiye. In this study, these emerging forms of work will be focused, particularly those arising from advancements in information and communication technologies. Notably, more prominent forms of work in the post-COVID-19 period and generally challenging to inspect will be concentrated.

► 1.1 Remote work / Telework

Remote work, which was increasingly on the rise due to technological advancements, cost advantages for employers, and workers' greater control over their working hours, has become a crucial public safety and health measure in response to the COVID-19 pandemic, serving as a means for pandemic containment.

Remote work offers a range of benefits for both employees and employers. For employees, the flexibility to organize their working hours helps promote a better work-life balance. It also enables participation in the workforce for individuals facing difficulties leaving their homes, such as those responsible for caregiving (e.g., children, the elderly, or the sick) or individuals with disabilities. Additionally, remote work saves time and money by eliminating the need for traveling. For employers, the benefits include cost savings on office spaces and related overheads, reduced absenteeism and lateness, and access to a wider pool of skilled talent.

On the other hand, there are also some challenges regarding remote work. For employees, the lack of a physical workplace can complicate the enforcement and monitoring of labour protections, such as those concerning working hours, rest periods, and occupational health and safety. The ability to work anytime and anywhere often blurs the boundaries between work and rest, potentially leading to longer hours and more frequent evening and weekend work compared to traditional setups. From the employer's perspective, remote work can lead to drawbacks such as reduced employee loyalty and motivation, a higher turnover rate, and difficulties in effectively supervising and monitoring employees.

In 2016, a regulation regarding remote work had already been stipulated under the Turkish Labour Law No 4857. With the widespread adoption of remote work during the COVID-19 pandemic, the Remote Work Regulation, which details the implementation of the Law No.4857, was enacted on March 10, 2021⁹.

According to the Law No. 4857, remote work is an employment relationship established in writing based on the employee's carrying out her/his service within the scope of the employer's work organization at her/his home or outside of the workplace using technological communication tools (Art. 14/4)¹⁰.

⁹ Official Paper 10.03.2021, V.31419

¹⁰ According to the legislative rationale of this provision, remote work is an employment relationship where the employee carries out work for the production of goods and services outside of the establishment, in a place far away from the employer's surveillance and the employer pays remuneration for this work. According to the Law, employment contracts for remote work must include: job description and the way of carrying out the work, term and place of work, remuneration and payment method, the

The definition of remote work in the Labour Law encompasses both teleworking and traditional home-based work without the use of technology.

In teleworking, the distinguishing factor is that work is carried out regularly outside the employer's premises (either at the employees' home/home-office or any other location) using information and communication technologies as a part of the employer's organizational structure. For teleworking to qualify as an employment relationship, the element of personal/legal subordination is required. For this, it is essential that the work be conducted using information and communication technology tools under the employer's supervision, within the employer's organizational structure, and for the employer's benefit. Personal/legal subordination exists when an employee performs work that is defined, structured, and organized by the employer, and operates under the employer's management and general instructions. However, self-employed entrepreneurs are not classified as employees even if they maintain a continuous relationship with the employer. If individuals have their own clients, make their own decisions, determine the scope of their work independently, bear the economic risk of their enterprise, and manage their own profits and losses, they are considered to be self-employed.

According to the location where the work is performed, various types of telework exist, including "home-based teleworking", "mobile teleworking" or "rotational teleworking", and "teleworking at satellite work centers or neighboring work centers"¹¹. For all these types of teleworking, elements such as performing work, remuneration, and personal dependence maintain to be examined in order to establish the presence of an employment contract and an employee-employer relationship. When teleworkers are considered to be under the personal dependence of the employer and thus are classified as employees, they enable to benefit from all individual and collective labour rights like other employees.



In the context of telework, however, difficulties may arise in applying, determining, proving, and monitoring various protective provisions such as working and rest hours stipulated in the Labour Law¹². Teleworkers, who do not operate within the confines of a traditional workplace, may have a certain

equipment provided by the employer, and obligations about their protection, provisions about the communication between the employee and the employer, general and specific working conditions.

11 Çelik et al, 219; Alp, 802-803; Kandemir, 43; Civan, 536. The Remote Work Regulation specifies the types of work that cannot be performed remotely. According to this regulation, remote work is prohibited for jobs involving the handling, processing, or disposal of hazardous chemicals and radioactive substances, as well as work that involves exposure to biological agents. Additionally, remote work is not allowed for jobs provided through service procurement by public institutions and organizations as per relevant legislation, or for units, projects, facilities, or services deemed strategically important for national security, as determined by the responsible public institution or organization (Art.13).

12 Süzek, 288; Bozkurt Gümrükçüoğlu, 192.

degree of flexibility in regulating their working hours. However, the ability to work from any location at any time can blur the boundaries between work and personal time, potentially leading to longer working hours than those observed in traditional work settings¹³. The fact that teleworkers organize their own working hours and have flexibility in this regard should not imply that these rights do not apply to them¹⁴. In fact, according to European regulations, Article 9 of the European Telework Framework Agreement of 2002 states that *“the existing legislation, collective agreements, and company rules will determine the working hours of teleworkers. The workload and performance standards of teleworkers will be equivalent to those of comparable workers in the workplace.”*. Article 4 of the Framework Agreement regulates that teleworkers have the same rights as comparable workers in the workplace in terms of working conditions. However, according to the same article, taking into account the specific nature of telework, complementary provisions may also be provided for in individual or collective labour agreements. Therefore, the Framework Agreement acknowledges that teleworkers organize their own working hours while also foreseeing that they are subject to general rules regarding working hours¹⁵. In other words, organizing their own working hours does not exempt them from adhering to the rules on working hours. Working Time Directive 2003/88 of the European Union, on the other hand, is a regulation aimed at ensuring occupational safety and health, providing minimum guarantees for working and rest periods to all workers, including teleworkers. These regulations include rights such as ensuring that the weekly working time, including overtime, does not exceed 48 hours, granting uninterrupted rest of 11 hours within a 24-hour period, providing a minimum rest period of 24 hours within a seven-day period, and limiting the averaging period to not exceed four months but extendable up to six months. These rights introduced by the Directive are minimum standards, and member states are free to implement more favorable regulations for workers.

Although there are certain challenges in its implementation, Turkish labour legislation recognizes that protective provisions for employees also apply to remote workers, insofar as they are compatible with the nature of the work¹⁶. Article 14 of Law No. 4857 on Labour stipulates that ‘in remote work, workers cannot be treated differently from comparable workers solely based on the nature of the employment contract, unless there is a substantial reason.’ (Art. 14/6). Therefore, unless there is a justifiable reason for differentiation, remote workers are entitled to the same rights, such as weekly rest and annual paid leave, as other workers without any distinction¹⁷. The flexibility that remote workers may have in regulating their working hours should not lead to the conclusion that their rights will not be enforced or for example they will not be entitled to overtime pay¹⁸. In Turkish Labour law, it would be appropriate to impose an obligation on employers to implement a system that enables the tracking and reporting of working and rest periods of employees through technological methods in telework¹⁹. Such a system would also allow labour inspection to monitor the compliance of working and rest periods based on these records.

Remote work entails various OSH risks, both physical and psychosocial, including eye strain, musculoskeletal issues, work-related stress, and isolation stemming from the inherent nature of work²⁰. Indeed, teleworkers face psychosocial hazards such as feelings of loneliness, isolation, and poor mental health such as anxiety, depression, and stress because of lacking direct social interactions with col-

13 Alpogut, 324; Bozkurt Gümrükçüoğlu, 166. See, Eurofound and the International Labour Office, 21 vd.

14 Civan, 567; Alp, 838; Kandemir, 107; Baycık et al, 1694; Doğan, 269. Although there are provisions in comparative law to prevent discrimination against teleworkers in terms of working conditions compared to employees working on-site, in some countries, exceptions exist. For example, in the labour laws of the Czech Republic and Slovakia, it is stipulated that teleworkers will not receive additional pay (bonuses) for overtime, weekend, night, or holiday work. In Denmark, in collective bargaining agreements signed in the finance sector, it is stipulated that teleworkers will not be entitled to additional pay if they organize their working hours beyond the normal working hours specified in the collective agreement. (European Foundation for the Improvement of Living and Working Conditions, 2010).

15 European Foundation for the Improvement of Living and Working Conditions, s.17. Also see, Alp, 838.

16 Civan, 567; Alp, 838; Kandemir, 107; Baycık et al. 2021; Doğan, 269.

17 Civan, 569; Doğan, 269; Çelik et al. 224; Alp, 839.

18 Aykaç, 2024; Bozkurt Gümrükçüoğlu, s. 191.

19 Doğan, 270.

20 Lane, 15.

leagues²¹. Besides, the microclimate in teleworking environments, lacking adequate air conditioning or ventilation, also poses health risks for workers, including sensory irritation, reduced performance, skin problems, headaches, fatigue, and poor sleep quality, especially for those with respiratory diseases²².

In teleworking, some of the occupational safety and health issues arise from excessive screen exposure. This situation often leads to visual discomfort and musculoskeletal pain, particularly neck/shoulder and low back pain, which can be mitigated through ergonomic workstations and worker training programs²³. In Europe, Directive 90/270/EEC, known as the Display Screen Directive, aimed to establish minimum safety and health requirements for working with display screen equipment, providing member countries with general guidelines for protecting workers' health. In line with the aforementioned Directive, the "Regulation on Health and Safety Precautions Regarding Work with Display Screen Equipment (Ekranlı Araçlarla Çalışmalarda Sağlık ve Güvenlik Önlemleri Hakkında Yönetmelik" has been published in Turkish Law to establish the principles and procedures regarding the minimum safety and health measures to be taken in work involving display screen equipment²⁴. Teleworking is also associated with higher levels of physical inactivity and sedentary behavior, which can contribute to the prevalence of chronic conditions such as diabetes, cardiovascular diseases (CVDs), obesity, and hypertension²⁵.

Apart from measures that are inherently unfeasible due to the nature of remote work, all occupational safety and health and safety prevention must be taken by the employer. Indeed, according to the Labour Legislation the employer is responsible for informing the employee, whom they engage in remote work, about occupational safety and health measures, providing necessary information, training, ensuring health surveillance, and taking necessary occupational safety measures related to the equipment provided, taking into account the nature of the work performed by the employee (Art. 14/6). In other words, for remote work as well, the employer should implement all possible measures, provide necessary protective equipment to the employee, inform and educate them about potential risks and preventive measures, and offer training in safety and health training at work²⁶. Employers are also obligated to refrain from starting an employee's work without obtaining the necessary health report if required, and to report occupational accidents and diseases to the Official Authority in a timely manner.

During the pandemic, transitioning to home office work emerged as an urgent measure, it is acknowledged that this fact does not eliminate the employer's obligation to take measures for occupational safety and health²⁷. Employers were also required to consider occupational safety and health risks specific to the pandemic. In the doctrine, it is also suggested that employers should initially assess whether the tasks assigned to employees are conducive to remote work from home²⁸. If necessary, adjustments should be made to ensure the suitability of the home office environment. Additionally, employers should evaluate the technical setup of the home, provide guidance on the proper use of devices and safety protocols, inform employees about the importance of taking breaks during screen work, and educate them about potential risks.

Employers must take all necessary precautions to prevent the occurrence of psychosocial risks in remote work as well. Indeed, while the concept of psychosocial risks is not explicitly mentioned in the Occupational Health and Safety Law No. 6331, it is addressed within the scope of risks that employers should consider according to Article 8 of the Occupational Health and Safety Risk Assessment Regu-

21 Buomprisco et al, 4; Beckel et al, 14.

22 Buomprisco et al, 4.

23 Buomprisco et al, 4.

24 Official Paper 16/04/2013, V. 28620.

25 Buomprisco et al, 4.

26 Çelik et al, 225; Alp, 836; Civan, 563. On the other hand, according to some views, since employers do not have the opportunity to conduct inspections at the homes of teleworkers, their occupational safety and health measures will mainly consist of obligations to provide information and training (Kandemir, 132).

27 Bozkurt Gümrükçüoğlu, 188-189.

28 Bozkurt Gümrükçüoğlu, 189.

lation, under the title 'Identification of Hazards'. In this framework, measures should be implemented to prevent social isolation as much as possible, such as organizing online meetings and sending motivational emails²⁹. Similarly, according to the final paragraph of Article 9 of the European Framework Agreement on Telework³⁰, the employer must ensure, among other measures, that teleworkers have regular contact with their colleagues and access to information about the organization to prevent their isolation from other personnel. In Turkish labour legislation, it would be appropriate to introduce explicit regulations concerning the prevention of psychosocial risks in remote work.

However, in conventional home office work and mobile telework modalities, the employer's influence over the work environment is limited, it is tricky and challenging for the employer to assess risks for each individual workspace and provide instructions accordingly³¹. Additionally, the constitutional rights to the inviolability of the home and privacy limit the employer's ability to implement and monitor occupational safety and health measures in home-office work modalities. In German law, for example, it is considered that unless there is a specific agreement, the employer cannot access the employee's home, and even if such access rights are granted, the employer cannot have a permanent impact on all the risks that may occur at home³². Nonetheless, an employer who agrees with an employee to work from home should, at a minimum, assess the occupational safety and health risks of the home during the establishment of the employment relationship and conduct monitoring visits in the home with the employee's consent³³.

In traditional working relations, occupational health professionals play a vital role in reporting work-related illnesses and injuries to health authorities, which helps in monitoring the prevalence of these conditions and assessing the success of workplace interventions. However, health issues and injuries that occur during telework are less likely to be classified, recorded and reported as occupational accidents or disease³⁴. This situation emerges as another challenge to the implementation of occupational safety and health regulations in telework.

► 1.2 Temporary agency work



Türkiye introduced new legislation within Amendment Law No. 6715 in 2016, regulating the temporary employment relationship through private employment agencies that is required to be granted permission by the Turkish Employment Agency (Art 7). The authorized agencies can establish this triangular relationship by transferring their employees to the user firm (temporary employer) with a temporary job placement contract in certain limited legal circumstances. According to the Law, temporary agency

work can be established exclusively in the following circumstances: a) during suspension periods of employment contract such as the military service of an employee; b) in seasonal agricultural work; c) in domestic services; d) works that is deemed as out of enterprise's everyday routine work and that is

29 Bozkurt Gümrükçüoğlu, 201; Tolu Yılmaz, 453.

30 See, https://resourcecentre.etuc.org/sites/default/files/2020-09/Telework%202002_Framework%20Agreement%20-%20EN.pdf

31 Bozkurt Gümrükçüoğlu, 190.

32 Baycık et al, 1711.

33 Alp, 835-836.

34 ILO & WHO, 15.

performed with intervals; e) in emergency works with regards to occupational safety and health or in the circumstances of force majeure that affects the production in considerable extent; f) in the case of unforeseen increase in average capacity of enterprise's goods and services production at a level that will require the establishment of a temporary agency work; g) apart from the seasonal work, in periodic workload increases. Besides, in workplaces where collective dismissals have taken place for eight months, as well as in public institutions and organizations, and in workplaces where underground mining takes place, a temporary employment relationship cannot be established. The use of temporary agency work has also been limited by the duration of the relationship to prevent misuse. Accordingly, temporary agency work could be concluded for four months at the most (can be renewed twice – in total 8 months), in the cases stated in the items (b) and (c) without duration limitation, in the cases stated in the item (a) during the course of mentioned cases. If these durations have expired, it would be assumed that an indefinite period of the employment contract has been established between the temporary employer and the employee starting from the date of contract termination.

According to the Law, the employer is a private employment agency in temporary agency work in accordance with the E.U. Directive 2008/104/EC. Indeed, when a private employment agency assigns its employee to a temporary employer for a temporary work assignment, the employment contract between the employee and the agency does not terminate; it continues, and the agency retains its status as the employer. The agency fulfills its obligations related to the worker under the Occupational Safety and Health Law, the Social Insurance and General Health Insurance Law, and the Unemployment Insurance Law. The relationship between the user firm and the worker is not based on an employment contract, Turkish doctrine, however, has defined this relationship as being similar to an employment relationship. In a temporary employment relationship, for instance, the right to request the performance of work, as well as the right to give instructions (management), is transferred to the temporary employer. According to Turkish Labour Law, the temporary employer has also the authority to give instructions to the temporary worker in accordance with the requirements of the work and the temporary worker supply contract. The temporary employer is responsible for taking the necessary measures in terms of occupational safety and health and for providing the training specified in Article 17(6) of the Occupational Safety and Health Law. The worker is required to participate in this training. The temporary employer is required to immediately report any cases of occupational accidents or diseases involving the temporary worker to the private employment agency and also to the relevant authorities within the time frame stipulated by the Social Insurance and General Health Insurance Law No. 5510.

The basic working conditions of the temporary worker during the period they work at the workplace of the temporary employer they are assigned to cannot be less favorable than the conditions that would be provided if these workers were directly employed by the same employer for the same job (Labour Law No. 4857, Art. 7/10). In this context, the agency must provide the temporary worker with at least the same working conditions that apply to user firm's own workers, including working hours, overtime, rest breaks, night work, vocational training, annual paid leave, occupational safety and health, and wages. Besides, during their period of employment, temporary workers benefit from the social services available in the workplace in accordance with the principle of equal treatment. Accordingly, temporary workers must not be treated differently in terms of social rights such as transportation, meals, canteen, and childcare services. When temporary workers are not working, they benefit from training and childcare services provided by the private employment agency.

In temporary agency work, compliance issues arise particularly in two areas. Firstly, there is widespread provision of labour services, especially in fields like domestic services, without obtaining permission from the institution, resulting in unregistered and unlawful employment practices. Secondly, despite being recognized as being in an employment relationship, confusion may arise regarding the obligations of the employer due to the involvement of multiple parties, especially when the worker has served the third-party enterprise for an extended period of time³⁵. In Türkiye, the compliance of private employment agencies' activities with legislation is inspected by labour inspectors. In this context, scheduled inspections focusing on these agencies are conducted³⁶. Administrative fines are imposed on those who operate private employment agencies without obtaining permission from the Turkish Employment Agency and on those who fail to comply with the legislation.

³⁵ Paramo & Vega, 6.

³⁶ See, <https://www.csgeb.gov.tr/media/93368/2021-isin-yurutmu-programli-genel-deg-erlendirme-raporu.pdf>



► 1.3 Part time work / Work on call

In Türkiye, part-time work commonly encompasses domestic services, cleaning and preparatory work, jobs held by women or students, and positions for company physicians, lawyers, and engineers. It has been regulated by Law No. 4857, in accordance with the ILO Part-Time Work Convention, 1994 (No. 175). According to Law No. 4857, *"The employment contract shall be considered as a part-time contract where the normal weekly working time of the worker has been fixed considerably shorter in comparison with a comparable worker working full-time."* (Art 13/1). Part-time work is the work which is less than at least two-thirds of the comparable weekly working time (*Turkish Working Time Regulation Art.6*). Part-time work may be executed in various ways such as working part-time on all days of the week or working full-time only on certain days of the week, and can be combined with other atypical work forms, such as home-based work or fixed-term contracts, and part-time workers may be employed by private employment agencies or subcontractors under fixed-term contracts.

Issues related to compliance in part-time work often emerge as discrimination against part-time workers compared to full-time workers. Indeed, part-time workers generally earn lower hourly wages than full-time workers, due to both discrimination based on contractual status and the tendency for part-time roles to be in lower-paying sectors and occupations³⁷. The Turkish Labour Law has introduced regulations to address this issue. Accordingly, *"A worker working under a part-time employment contract must not be subjected to differential treatment in comparison to a comparable full-time worker solely because his contract is part-time unless there is a justifiable cause for differential treatment. The divisible benefits to be accorded to a part-time worker about wages and other monetary benefits must be paid in proportion to the length of his working time proportionate to a comparable worker working full-time"*³⁸ (Article 13).

³⁷ Paramo & Vega, 7.

³⁸ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64083/77276/%20F75317864/TUR64083%20English.pdf> According to the Labour Code No. 4857, *"The comparable employee is the one who is employed full-time in the same or a similar job in the establishment. In the event there is not such an employee in the establishment, an employee with a full-time contract performing the same or similar job in an appropriate establishment which falls into the same branch of activity will be considered as the comparable employee. If there are vacant positions suited to the qualifications of employees working in the establishment, the employees' requests to move into full-time from part-time jobs or vice versa shall be taken into consideration; vacancies shall be announced without delay"* (Art.13/3, 4).

Work on call, so-called marginal part-time³⁹, is basically one of the types of part-time employment contracts. “Additional worker” is also another term commonly used in Türkiye to refer to an employee who is employed on a temporary on-call basis. This type of employment is often utilized in sectors such as hotels, entertainment, and events, where there is a need for additional staff to cover peak times or special events. These workers are called in to work as needed and typically do not have regular working hours or long-term employment contracts.

Article 14 of Labour Law No. 4857 defines work on call as *“an employment relationship which foresees the performance of work by the worker upon the emergence of the need for his services, as agreed to in the written employment contract”*. Since on-call workers under the authority of the employer are also considered employees, they are entitled to labour rights such as union membership, protection against dismissal, and annual leave⁴⁰. However, on-call work presents challenges in applying labour law protections effectively. The nature of on-call work, performed at the employer’s request, makes it challenging to monitor working hours, which in turn negatively affects workers’ flexibility in managing their time⁴¹. This unpredictability hinders their ability to plan free time and disrupts rest hours due to irregular work schedules, as they may be called upon to work at any time, day or night. Indeed, on-call work, zero-hour contracts, and similar arrangements often feature inconsistent and unpredictable schedules, leading to uncertain pay. In addressing the issue, the Turkish Labour Law has opted to introduce default rules that establish minimum working time and calling times for on-call workers. According to Law No. 4857, *“In the event the length of the worker’s working time has not been determined by the parties in terms of time slices such as a week, month or year; the weekly working time is considered to have been fixed as twenty hours. The worker is entitled to wages irrespective of whether or not he is engaged in work during the time announced for work on call”*. According to the referenced regulation, zero-hour contracts, which do not guarantee any working hours to the worker, are deemed invalid under Turkish law. Therefore, unless otherwise agreed in the contract, the weekly working time will be considered twenty hours.

The Labour Law No. 4857 also specifies the amount of time that will be considered worked for each call. Accordingly, *“If the daily working time has not been decided in the contract, the employer must engage the worker in work for a minimum of four consecutive hours at each call”* (Art 14). Nonetheless, this is a default rule that applies only when no other agreement has been made.

In Türkiye, working and rest periods are monitored and inspected as part of both scheduled and unscheduled labour inspections of working conditions. In general, in monitoring work and rest periods, shift schedules or workplace entry and exit documents based on implementations such as card swiping or fingerprint scanning systems are examined. To verify this information, the employee’s confidential statement is also obtained. For teleworkers such as call center workers, computer log records are taken into consideration. In the case of on-call work, the written contract required by law is also examined.

³⁹ ILO, 2016, 23.

⁴⁰ However, it is stated that due to the nature of their work, on-call workers are unable to meet the legal requirement of working on the days before the holiday, and therefore are not entitled to weekly holiday pay (Aydın, 51).

⁴¹ Marica, 74.

► 1.4 Digital platform work

A digital platform is a 'digital interface' or 'online service provider' positioned between service or goods providers and customers/users⁴². Digital work platforms and the work that takes place through these platforms are sub-concepts within the broader notion of the platform economy. Platform work involves matching labour supply and demand via digital platforms.

Digital platform work is a part of the general trends and changes in the economy, working life, and employment structures over the last forty years, such as flexibilization, atypical employment, deregulation, and informality. Technological advancements, including smartphones, high-speed internet, and the increased capacity to extract, use, and track data through algorithms, have paved the way for these types of work relationships to occur via digital platforms. The COVID-19 pandemic has also accelerated the spread of platform work. Indeed, as countries enforce confinement and social distancing measures to mitigate the spread of COVID-19, there has been a surge in individuals resorting to platforms for the delivery of prepared meals, groceries, and essential household items⁴³.

1.4.1 Types and fundamental characteristics of platform work

Platform work encompasses two main types of work named web-based platform work (online platform work) and location-based platform work⁴⁴. Location-based platform works refer to a form of work where traditional activities such as transportation, delivery, cleaning, and repair services are offered through smartphone applications managed by companies. These firms generally set minimum service standards and engage in the process with matters such as worker selection⁴⁵. *Web-based (Online) platform work* is based on companies or customers directing a job that needs to be completed to a large pool of workers via the internet and online platforms. The function of these platforms is primarily to facilitate communication and connection between an indefinite number of organizations/customers/companies and individuals/workers via the internet, enabling them to interact globally and purchase the required service in this manner⁴⁶.



The fundamental difference between "online platform work" and "location-based platform work" lies in the nature of the work performed. In online platforms, tasks can be completed globally from any part of the world via the internet, whereas in on-demand work, even though the initial connection/communication is established through online platforms, the actual work (such as cleaning, transportation, repairs, etc.) is carried out at a local (physical) level, typically at the customer's home, rather than in the virtual world⁴⁷. Online platforms enable workers to deliver their services remotely, such as in software programming, translation, or content moderation⁴⁸. These platforms can be further clas-

⁴² OECD, ILO and Eurostat, 2023, 40.

⁴³ Lane, 7.

⁴⁴ De Stefano, 471; De Stefano & Aloisi, 6; Berastegui, 7.

⁴⁵ De Stefano, 471; Berastegui, 7. Also see, Johnston & Kazlauskas, 2018, 3.

⁴⁶ De Stefano, 471; Berastegui, 7; De Stefano & Aloisi, 6.

⁴⁷ De Stefano & Aloisi, 9; De Stefano, 474.

⁴⁸ ILO, 2024, 15.

sified into categories like crowdwork (or microwork), freelance work, and competitive programming platforms.

Businesses (or customers) in need of labour have found an opportunity to access a large and flexible workforce (crowd) through these platforms⁴⁹. Although there are crucial differences in working practices among platforms, their fundamental and common feature is the reliance on a large and continuously accessible workforce to which individualized tasks are assigned based on consumer demands through complex algorithms⁵⁰. Thus, workers can be sourced exactly when needed and are only paid for the actual time or work performed⁵¹.

Digital platforms can be a source of employment opportunities, notably for some groups who experience difficulty accessing labour markets⁵². Many of these jobs require low capital investment, in some cases only requiring a smartphone and an internet connection. Platforms can also have a positive impact on job opportunities for people with disabilities by providing opportunities to gain more personal autonomy and avoid stigmatization. Digital platforms have also been presented as an opportunity for migrant workers and refugees. Platform work can, in certain cases, offer valuable flexibility, especially when it comes to working hours and balancing work with family life⁵³.

On the other hand, there are also many challenges brought by digital platform works. One of the fundamental issues arising from platform work is the increasing ambiguity and controversy surrounding the distinction between dependent and independent work. This is due to the typically temporary nature of such work, as well as the fact that workers are free to set up their own working hours and even to accept or reject tasks uploaded to the platform. As a result, in many countries, it becomes difficult to establish personal/legal dependence, or working under someone else's management and supervision, which is the determining factor for this distinction in these types of work arrangements. The platforms define themselves as "technology companies that facilitate the work" and classify the platform workers as "independent/self-employed workers/contractors." This fact prevents workers from benefiting from the protective regulations of labour law such as minimum wage, maximum working hours, and rest periods.

Challenges regarding the status of workers in platform work can arise in two ways⁵⁴. First, there are works that actually form a dependent employment relationship but are deceitfully classified as "independent work" (*false self-employment, bogus/disguised employment relationship*) to obscure the true nature of the relationship, which will be addressed in the next section. Second, there are works that fall into a gray area due to containing some elements of both dependent and independent work, making it difficult to categorize it definitively into one of the two categories. Platform workers generally have the freedom to determine their working hours and even the choice to accept or decline a job offered through the platform. However, the algorithms used by the platform can directly, indirectly, or implicitly intervene in the service execution processes to an extent that demonstrates the existence of a personal dependency relationship. For this reason, the primary issue in such employment relationships revolves around whether the worker should be considered an employee or an independent contractor, based on the presence of personal dependency. In comparative law, the resolution of the legal status of platform workers often involves either judicial interpretation of existing tests on a case-by-case basis or legislative intervention by lawmakers. The prominent determining factors of the presence of personal dependency in this regard can be listed as follows: the condition that the work does not necessarily have to be performed personally; the opportunity for a worker to engage with multiple platforms simultaneously, including those that may be in competition with each other; the requirement for workers to supply and maintain their own equipment needed to deliver the services⁵⁵.

⁴⁹ De Stefano, 476; Schmidt, 15-16.

⁵⁰ Freedland & Prassl, 4.

⁵¹ De Stefano, 476.

⁵² ILO, 2024, 19.

⁵³ ILO, 2024, 19-20.

⁵⁴ Akın & Aykaç, 402 vd.

⁵⁵ ILO, 2024, 50-51.

The second issue concerning platform work in labour law arises from working conditions. Indeed, even if platform workers are recognized as employees, there are difficulties in implementing certain labour law rules. Since the work performed by platform workers is generally temporary in nature, they are typically paid only for the duration, amount, or type of work completed. As a result, platform workers lack job and income continuity and are deprived of rights such as paid leave, unemployment benefits, and retirement benefits, which require a certain period of employment and premium payments. Some of the other challenges in this regard will be addressed in the following section.

It should be noted that, countries like Canada, Chile, Spain, France, and Portugal are adopting targeted platform work regulations to address employment status and working condition issues⁵⁶. For example, in April 2022, Ontario, Canada, passed the “Digital Platform Workers’ Rights” Act. Although the law has not yet come into effect by the published date of this report, it outlines detailed provisions regarding workers’ right to information, the obligation of platform companies to maintain records for each worker, and oversight mechanisms. Chile, in 2022, introduced one of the most comprehensive regulations on this topic by amending the Labour Code to include a section on platform work. This regulation categorizes platform workers into two groups: “dependent platform workers” and “independent platform workers.” In Spain, the Royal Decree-Law 9/2021, effective from May 11, 2021, amended the Workers’ Statute to establish a presumption of employment for delivery couriers working on digital platforms. In Belgium, a legal regulation has established eight criteria, and if at least three of these criteria (or two of the last five criteria) are met, a presumption of an employment relationship is applied.

1.4.2 Compliance issues regarding working hours and rest periods

Although platform workers may appear to have absolute freedom regarding their working hours and even whether to work or not, the distinction between working time and rest time becomes blurred. This flexibility often results in work overlapping with personal time, leading to increased overtime and potential conflicts between work and family responsibilities⁵⁷. Unpredictable working hours also lead to more significant interruptions in family and social lives, resulting in a diminished work-life balance. Moreover, it is argued that the freedom to determine working hours is often illusory. In practice, due to competition among workers—sometimes on an international level—and the low wages, workers are compelled to work long hours to earn a meaningful income⁵⁸. Besides, in the case of web-based platform work, where customers and workers may be located in completely different geographical regions, the phenomenon of time zone differences can also arise, leading to workers performing tasks during night-time or unsuitable hours⁵⁹.

Compliance issues related to working hours and rest periods in digital platform work also encompass the management and compensation of waiting periods⁶⁰, the possibility of setting limits on overtime work, the capacity to restrict the total working hours for individuals holding multiple jobs, and the assurance that workers have the right to disconnect from a platform without facing negative consequences⁶¹.

In sectors like transportation, where many platform activities occur, there are long working hours and a heightened risk of accidents. Most workers in the taxi and delivery sectors work very long hours,

⁵⁶ See, ILO, 2024, 66.

⁵⁷ Berastegui, 17-18.

⁵⁸ De Stefano, 479-480; Aykaç, 2020, 77-78; Also see, Aykaç, 2021; Yıldız, 2021; Yıldız, 2022. For example, a former Uber driver stated that their choice of working hours was largely influenced by information received from Uber. Events such as conferences, baseball games, and concerts, where a rise in ride requests was expected, were communicated to drivers by the Uber regional manager. Similarly, in San Diego, high-demand areas and times were indicated on a map, and on Friday and Saturday nights, drivers received messages on their Uber phones notifying them of the start of “peak hours.” The driver mentioned that they organized their working hours according to these “recommendations” to earn two to three times the normal fare. (Means & Seiner, 1542).

⁵⁹ Heeks, 13; De Stefano, 479-480; Aykaç, 2020, 77-78.

⁶⁰ See, Aykaç, 2024.

⁶¹ ILO, 2024, 34.

averaging 65 hours per week in the taxi sector and 60 hours per week in the delivery sector. Numerous initiatives enforce upper limits on working hours, particularly aimed at platform drivers, addressing concerns not only for occupational safety and health but also for public safety. In Portugal, for instance, drivers are limited to a maximum of 10 working hours within a 24-hour period, irrespective of the platforms they serve. Platform operators are required to establish measures to enforce this regulation and maintain activity records for a duration of two years. In the passenger transportation sector, oversight responsibilities are often shared among various agencies in Portugal⁶². India's Motor Vehicle Aggregators Guidelines, issued in November 2020, stipulate aggregators, acting as digital intermediaries between passengers and drivers, must ensure drivers do not exceed 12 hours of logged-in time per day, even across multiple platforms, with a mandatory 10-hour break after reaching this limit⁶³.

1.4.3 Compliance issues regarding occupational safety and health

Self-employed platform workers are typically responsible for their own safety and health. In Türkiye, while Law No. 6331 on Occupational Health and Safety covers all employees, including apprentices, without distinction between public and private sectors, it does not include persons producing goods and services on their own account without employing workers, except for some exceptional provisions in secondary regulations. On the other hand, while ILO's Convention No. 155 does encompass all workers but not self-employed workers, the Occupational Safety and Health Recommendation No. 164 advises providing protection analogous to that offered in the convention for such individuals⁶⁴.



Regarding occupational safety and health, certain countries have implemented measures to expand coverage to workers regardless of their employment status. The legislation primarily applies to location-based platforms involved in passenger transportation and delivery sectors. For instance, in China, guidelines for non-traditional workers focus on enhancing injury protections, improving insurance, and setting up rest areas for transportation and delivery workers⁶⁵. In South Korea, the Occupational Safety and Health Act extends a protection to platform workers by requiring platforms to prevent accidents and potentially offering government subsidies for safety measures. Italy has expanded occupational safety protections to include platform workers, including the self-employed. In France, platforms can create Charters to improve working conditions and reduce risks for their workers. In New York, a change to the city's administrative code requires that platform agreements with food establishments include a clause ensuring that delivery workers have access to toilet facilities while on the premises for pick-ups⁶⁶.

Platform work characteristics, such as intense competition, algorithmic management, and informal working arrangements, contribute to increased psychosocial risks and work-related stress⁶⁷. The

⁶² ILO, 2024, 68-69.

⁶³ ILO, 2024, 68-69. Similarly, in Washington State, USA, drivers are restricted to 14 consecutive hours within a 24-hour period. New Zealand's Transport Agency imposes working hour limits for drivers on digital labour platforms, restricting daily working time to 13 hours, inclusive of non-driving tasks, with a minimum 10-hour consecutive rest period. In Kenya, drivers must log off for at least 4 hours after 8 hours of continuous service within a 24-hour period.

⁶⁴ ILO, 2024, 32.

⁶⁵ ILO, 2024, 60-61.

⁶⁶ ILO, 2024, 60-61.

⁶⁷ Lane, 15; Tolu Yilmaz, 84.

completion of temporary and short-term jobs, working in high competition, and job and income insecurity can lead to psychological problems such as depression, anxiety disorders, and burnout. Many workers, particularly those in the taxi and delivery platforms, reported experiencing significant stress related to their jobs. They attributed this to traffic congestion, insufficient pay, lack of orders or customers, long working hours, work-related injuries, and pressure to drive quickly⁶⁸.

For platform workers, both the methods and policies employed by platforms to determine wages, as well as the increasing pressure for more work driven by algorithmic management and digital control, may pose a threat to occupational safety and health.⁶⁹ Practices like rating systems, which frequently lack opportunities for appeal, leading to risks of unfair evaluations; the influence of dynamic pricing systems on worker remuneration, causing insecurity; the incorporation of work gamification; and the absence of face-to-face managerial interactions, which prevent workers from expressing concerns and accessing social support, all contribute to occupational risks in platform work⁷⁰.

Working via web-based platforms can also lead to physical health issues related to prolonged inactivity and computer-based work, such as musculoskeletal problems and visual impairments. Exposure to violence and harassment is another occupational risk that can be experienced by platform workers especially sectors in domestic work or as carers in private households, where mostly women workers constitute the majority. Platform workers lacking a fixed workplace or control over their environment may face heightened accident risks, while individuals providing domestic services through platforms may be susceptible to instances of sexual harassment⁷¹. The temporary nature of platform work may empower clients to exhibit unprofessional behavior, disregarding social norms due to the expectation of limited interactions with the worker⁷². Because workers in the platform economy face the risk of negative client reviews, impacting their marketability, they were likely to ignore the harassment or fail to label it as sexual harassment at all⁷³. Platform workers offering online services like video and social media content editing may encounter exposure to hate speech, violence, and pornographic content, potentially resulting in psychological harm⁷⁴.

Another issue arising in terms of occupational safety and health in platform work is physical and social isolation, often referred to as “professional isolation,” which is another psychosocial hazard. Professional isolation, though not new to teleworkers, poses potentially greater impacts on well-being among gig workers due to the inherent nature of working outside traditional company premises, which is a fundamental characteristic of the modern gig economy⁷⁵. Platform workers rarely have the opportunity to directly interact with their co-workers or supervisors due to the lack of a common workplace. Besides, the nature of piece-rate work and the unstable conditions of gig work tend to prioritize high productivity, which discourages any efforts to engage in casual conversations⁷⁶. Therefore, working individually and in professional isolation, especially in web-based platform work, can lead to mental health and well-being issues. This fact can also contribute to challenges in developing a strong professional identity which affects also mental health, since platform workers often lack access to role models or career mentors⁷⁷. While the problem occurs especially in web-based platform work, location-based platforms like food delivery or transport also entail some level of social isolation even if they are more interactive.

⁶⁸ See ILO, 2021.

⁶⁹ Günbatti, 160-161.

⁷⁰ ILO, 2024, 59.

⁷¹ Lane, 15; ILO, 2024, 60.

⁷² Ravenelle, 122.

⁷³ Ravenelle, 121.

⁷⁴ Lane, 15; ILO, 2024, 60.

⁷⁵ Berastegui, 5, 13-14.

⁷⁶ Berastegui, 13.

⁷⁷ Grugulis & Stoyanova, 515-536; Berastegui, 14.

1.4.4 Compliance issues regarding discrimination

The absence of direct human interaction and the anonymity of the internet can reduce discrimination-related risks, especially in web-based platform work. Indeed, the lack of direct physical communication with workers often diminishes the impact of biases related to personal characteristics such as appearance, clothing style, age, gender, language, or accent. However, platform work does not entirely eliminate the risk of discrimination against workers. For example, algorithms that impose geographical restrictions on the regions where workers can access online jobs may result in the exclusion of entire countries, regions, or individuals from employment opportunities. Besides, such an algorithm could restrict platform work based on the language spoken, without an objective reason. Additionally, customers' explicit or implicit biases—based on a worker's name, photo, or profile—can influence decisions to accept a job, or lead to lower ratings or negative reviews for the worker.

1.4.5 European Union Directive on improving working conditions in platform work

The European Union's Directive on Improving Working Conditions in Platform Work (No. 2024/2831), adopted in 2024, is an important regulation aimed at addressing the challenges related to platform work⁷⁸. One of the main objectives of the Directive is to facilitate the implementation of measures that will correctly determine the employment status of platform workers. Accordingly, if evidence suggests control and direction by a digital labour platform over an individual performing work through that platform, the contractual relationship between them should be legally presumed to be an employment relationship (Art. 5). Therefore, when a digital labour platform challenges the legal presumption of an employment relationship with a platform worker, the platform must provide evidence demonstrating that the relationship is not an employment relationship. If a competent national authority determines that a person engaged in platform work may have been misclassified, it should take appropriate measures or legal action, in accordance with national law and practices, to establish the individual's employment status (Art 5/5).

According to the Directive, Member States should also take measures to support the effectiveness of the legal presumption. Indeed, they shall establish a framework of supporting measures in order to ensure effective implementation of and compliance with the legal presumption (Art.6). Member States particularly must ensure that national authorities conduct effective controls and inspections, aligning with national law or practice. Specifically, they should implement appropriate measures, including inspections on specific digital labour platforms, upon confirmation of the employment status of individuals engaged in platform work by competent national authorities. These controls and inspections must be proportionate and nondiscriminatory (Art 6/c).

The directive also stipulates digital labour platforms to evaluate the safety and health risks associated with automated monitoring or decision-making systems, considering potential work-related accidents, psychosocial, and ergonomic risks. Additionally, they must introduce appropriate preventive and protective measures to address these identified risks. Digital labour platforms are also prohibited from utilizing automated monitoring or decision-making systems that unduly pressure or jeopardize the safety, physical, and mental well-being of platform workers. This provision extends to any automated systems that support or make decisions affecting platform workers. Member States are required to ensure that digital labour platforms implement preventive measures, including establishing effective reporting channels, to safeguard the safety and health of platform workers, including protection from violence and harassment (Art 12).

The European Directive also stipulates that Member States must ensure that digital labour platforms enable platform workers to communicate privately and securely with each other and with their representatives through the platform's digital infrastructure. Platforms are also prohibited from accessing

⁷⁸ Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work (Text with EEA relevance), <https://eur-lex.europa.eu/eli/dir/2024/2831/oj/eng>

or monitoring these communications, in compliance with Regulation (EU) 2016/679 (Act.20). Therefore, platforms need to take measures to address the potential issues that workers may face due to social isolation and develop methods that facilitate interaction with other workers.

It should be noted that the ILO is also working on ensuring decent work in the platform economy. At its 347th Session in March 2023, the ILO Governing Body resolved to include a standard-setting item on decent work in the platform economy on the agenda for the 113th Session of the International Labour Conference, scheduled for June 2025, with a plan for double discussion⁷⁸. In this regard, governments are asked to share their perspectives on the form, scope, and content of future standards by completing a questionnaire, following consultations with the most representative organizations of employers and workers. At its 113th Session held in Geneva in June 2025, the International Labour Conference decided to draft a new Convention and Recommendation aimed at ensuring decent work for platform workers, thereby laying the foundation for the first international labour standards specifically designed for digital platforms. The ILO will submit the final draft Convention and Recommendation for adoption at the 114th Session of the International Labour Conference, to be held in June 2026.

1.4.6 Digital platform work in Turkish Law

There is no regulation on platform work in Turkish law currently, nor are there any Supreme Court decisions regarding the status of platform workers. However, the issue is being increasingly examined by Turkish Labour Law doctrine. The need for legal regulation in platform work is becoming more apparent as platform work continues to grow in Türkiye. Especially, the phenomenon of selling consumer products through digital platforms and having these products delivered by motor-couriers contracted by the platforms has become very widespread in Türkiye. These motor couriers typically work with their own motorcycles and are paid per delivery. They are required to establish a company and obtain a tax certificate to start working. When hired, they are expected to meet certain criteria such as age, experience, and a clean criminal record. Additionally, they must use the equipment provided by the company carefully, have good time management skills, and wear the uniforms provided by the platform without modifications. In some examples, companies sell or rent work equipment items, including protective equipment, and the maintenance of the equipment is also the responsibility of the motor couriers⁸⁰. Platforms designate these motorcycle couriers as 'self-employed contractors' under titles such as 'business partners', rather than recognising them as 'worker'. As a result, these workers are unable to benefit from social protections related to labour law⁸¹. In other words, employment rights such as minimum wage, union rights, unemployment insurance, and rest and vacation entitlements are not applicable to these workers. To earn a meaningful income, these workers often work very long hours and frequently face accidents in traffic due to the pressure to complete orders. The platform, which does not consider itself an "employer," also does not have the obligation to implement occupational safety and health measures. However, considering their recruitment process and broad authority that platforms hold over the management of motorcycle couriers in Türkiye, these workers are under the authority of the platform and should be recognized as being under personal dependency and classified as employees.

⁷⁹ See, ILO, 2024.

⁸⁰ See, Kocadost, 81.

⁸¹ These workers often benefit from the income tax exemption support provided by the government to young entrepreneurs.

In Türkiye, for a platform worker to fall under the protective umbrella of labour law and consequently be subject to labour inspection, the worker's employment status as employee must be determined according to existing criteria, which include personal and legal dependence. Turkish courts generally consider the following subsidiary factual indicators on a case-by-case basis to determine personal and legal dependence, and the existence of an employment contract⁸²: (a) Whether the work is performed inside the employer's premises; (b) Whether the alleged employer provides the materials and production tools; (c) Whether the employee receives instructions regarding the details of the work; (d) Whether the principal or his/her assistant controls the work; (e) Carrying out service without investing capital and having an organization belonging to him/her; (f) The manner of payment; (g) Bearing the profit and loss/financial risk; (h) Whether the worker has the freedom to decide as reserved by the entrepreneur (i) whether the work is performed on a regular and continuous basis; (j) whether the worker performs work for the benefit of the same principal exclusively; (k) whether the worker hires other helpers whose salary is paid by the worker in the performance of work; (l) Whether the worker has his/her own employees or clients.

Under Turkish Law, there is also an auxiliary criterion implemented to legally classify atypical forms of work, such as remote work, which is "performing work for the benefit of the employer within the framework of the employer's work organization". The organization criterion stipulates that if a worker performs tasks within the framework of someone else's organizational structure for the benefit of others, it complements rather than replaces the legal or personal subordination test. According to this criterion, if an employee operates within an organization's management and follows its instructions, even in a general manner, an employment relationship may be established. This indicates that the worker is under the authority of the employer, regardless of their expertise or level of freedom in performing tasks. Thus, even if the employer does not exert strict control over the worker, they may still be considered an employee under this criterion. Consequently, this concept seeks to facilitate the application of employment law to various types of workers, such as teleworkers, commercial travelers, doctors, and professors, without necessitating strict subordination. Some platform workers could also potentially be classified as employees based on this criterion and indications of personal dependence⁸³.

Under Turkish Law, there appears to be a growing recognition of the need for the regulation of platform work. The current lack of regulation in this area creates uncertainty regarding the status, rights, and obligations of the parties involved. Moreover, satisfactory judicial decisions on this matter are still pending. The primary aim of enacting legal regulations could be to reduce the potential for misclassification. To this end, introducing a presumption of employment contracts, similar to the relevant EU Directive, where platform workers are presumed to be employees unless proven otherwise, could be beneficial⁸⁴. This legal presumption would facilitate procedural simplification for workers seeking to clarify the nature of their relationships, reinforcing the principle of the primacy of facts as stated in the Employment Relationship Recommendation, 2006 (No. 198)⁸⁵. Such measures would not only enable these individuals to be recognized as employees by administrative authorities but also assist in their registration for social security, thereby allowing the labour inspection organization to carry out inspections. It would be advantageous to establish a series of factual indicators of subordination to guide these processes.

Furthermore, it would be prudent to implement protective provisions for platform workers, regardless of their employment status. These provisions might include the right to be informed about and contest decisions affecting them, safeguarding their personal data, recognizing their union rights, and ensuring occupational safety and health⁸⁶.

⁸² See, Aykaç, 2021a, 61.

⁸³ Aykaç, 2020, 89; Tolu Yılmaz, 420.

⁸⁴ Tolu Yılmaz, 425.

⁸⁵ Aloisi et al, 8.

⁸⁶ According to one perspective, in regulations concerning platform work should also include provisions that: (i) address working and resting periods for workers, (ii) ensure the ability for workers to work on multiple platforms, (iii) subject workers to liability for damages similar to regular employees, (iv) guarantee minimum wage protection, and (v) include provisions ensuring occupational safety and health. (Baycık et al, 2021a, 789).

► 1.5 Disguised employment relationships (Bogus self employment)

A disguised employment relationship (bogus self-employment) is “one which is lent an appearance that is different from the underlying reality, with the intention of nullifying or attenuating the protection afforded by law.”⁸⁷ In order to avoid financial and legal employment responsibilities and achieve better flexibility, employers increasingly demonstrate a strong motivation to classify workers as independent contractors or partners more exactly than simply “employees”⁸⁸. Advances in technology facilitate the execution of this misclassification⁸⁹. Bogus self-employment is actually included in the concept of undeclared work which is often characterized by the complication of the methods used to escape the enforcement of social security mechanisms and labour law compliance⁹⁰.

Disguised employment relationships may occur when the employer conceals their identity by employing workers through an intermediary, or by involving the worker in a civil or commercial contract, or through a cooperative rather than a standard employment contract⁹¹. On-call workers, zero-hour contracts or platform workers can sometimes fall under this category.

In addressing the issue, Turkish Code of Obligations No. 6098 states that, “the real and joint wills of parties are taken as a basis for determination and interpretation of a contract’s type and content regardless of the words that the parties have used mistakenly or with the aim of hiding their real goals” (Art.19). Accordingly, the judge is not bound by the parties’ legal characterization of their relationship. The judge interprets the contractual relationship between them, determining both its nature and content ex officio. This involves considering the genuine intentions of the parties and assessing whether the contract constitutes employment, mandate, work, or association⁹². In this assessment, the presence or absence of elements of personal dependency, as discussed in the previous section, will also be considered in the specific case.

The court is also not constrained by the parties’ insurance status or their notification to insurance institutions⁹³. Thus, the classification of a worker as a self-employed taxpayer, or their inclusion in social security as an independent, does not reliably determine the nature of the relationship between the worker and employer. In cases of dispute, the actual circumstances, particularly the presence or absence of personal and legal subordination, must be examined⁹⁴. Contextually, consent to a particular status does not render it legally valid. In other words, the employee’s preference for independent work status over employment, for various reasons, does not affect the determination of their employee status.

87 ILO, 2003.

88 Aykaç, 2021a, 54.

89 Alp, 805.

90 Barbero et al. 35.

91 Paramo & Vega, 6.

92 Güzel, 116; Court of Cassation 9th Div., 2.3.2015, 2903/8612, *Calisma ve Toplum*, 2015/3, 323; Court of Cassation 9th Div. 22.11.2016, 21479/20630; Court of Cassation 9th Div, 26.10.2015, 29398/29976, www.kazanci.com

93 Güzel, 116; Başterzi, 194; Court of Cassation 9th Div, 2.3.2015, 2903/8612, *Calisma ve Toplum*, 2015/3, 323.

94 Başterzi, 194.

▶ 2

The role of labour inspection in the context of future of work



► 2.1 Current regulatory framework regarding Labour Inspection in Türkiye

In the Presidential Decree No. 1 regarding the Presidency Organization, the tasks assigned to the Ministry of Labour and Social Security concerning labour inspection are regulated to be performed by the Directorate of Guidance and Inspection of the Ministry. The Ministry's duties and responsibilities regarding labour inspections derive from ILO Convention No. 81, which Türkiye ratified in 1951.

In accordance with international regulations, both the Labour Law No. 4857 and the Occupational Health and Safety Law No. 6331 grant the Ministry of Labour and Social Security the authority and responsibility to inspect and monitor work operations. In the Seventh Section titled "Inspection and Oversight of Working Life" of the Labour Law No. 4857, it is stipulated that "The state monitors, inspects, and audits the implementation of legislation related to working life. This duty is carried out by a sufficient number of labour inspectors, who are authorized for inspection and audit, under the Ministry of Labour and Social Security (Art 91/1)". Furthermore, Article 24 of the Occupational Health and Safety Law No. 6331 states that inspections under this law will also be carried out by labour inspectors.

There are two fundamental regulations detailing the law on labour inspection: the Regulation on Labour Inspection dated April 19, 2022, and the Regulation on the Labour Inspection Board of the Ministry of Labour and Social Security dated October 31, 2012. According to the first mentioned regulation, labour inspection defines as inspection activities carried out on behalf of the State, including research, examination, investigation, and inspection activities related to the implementation of all legislation provisions concerning working conditions and the work environment, such as working hours, wages, occupational safety and health, worker welfare, employment of children and youth, informality, unemployment, and practices in the labour market, as well as other inspection activities provided by legislation (Art 4).

2.1.1 Organizational structure of labour inspection in Türkiye

In Türkiye, all labour inspections are consolidated under the Directorate of Guidance and Inspection under the Ministry of Labour and Social Security. Within this unit, specialization has been implemented among inspectors. Accordingly, inspections for the implementation of labour law regulations and occupational safety and health regulations are conducted independently by inspectors specializing in these two distinct fields. Inspectors who are graduates of social sciences universities oversee the implementation of labour regulations, including working hours, wages, and annual leave rights, in what is referred to as working conditions inspections. On the other hand, inspectors originating from graduates of engineering and medical faculties inspect the implementation of occupational safety and health provisions in workplaces. Upon entering the profession, these inspectors are subject to different exams and training. Inspectors conducting inspections related to working conditions are primarily responsible for enforcing regulations under Labour Law No. 4857, while those focused on occupational safety and health carry out inspections in accordance with Occupational Health and Safety Law No. 6331. When they visit a workplace and identify a violation relevant to the other group's scope, they document it in their report and forward it to the institution's headquarters, which then directs the relevant inspectors with authority on the issue. There are also areas of overlap in their duties, such as child labour and undeclared work.

The DoGI consists of a director possessing the qualifications and authority of an inspector, as well as inspectors and assistant inspectors. The Directorate reports directly to the Minister and carries out labour inspection and administrative inspection activities on behalf of the Minister. The director is appointed from among the chief inspectors who have served as inspectors for at least 10 years within the Directorate. To assist the Director in the Directorate's tasks and operations, Deputy Directors are appointed from among the chief inspectors eligible to become director, upon the director's recommendation and with the approval of the Minister. The headquarters of the DoGI is located in Ankara, which also serves

as the duty station for inspectors and assistant inspectors. Inspectors work based on the principle of national-level supervision. Their assignments to Group Presidencies do not alter this principle. In Group Presidencies, an inspector is appointed as the Group President to oversee the execution of the Directorate's activities, ensure the implementation of the orders issued by the Director, manage office services, and coordinate the inspectors' relations with the office. In the Group Presidency, a sufficient number of inspectors and assistant inspectors are appointed to assist the Group President, with deputy group presidents chosen from among the inspectors who meet the qualifications to become Group President, based on the Director's recommendation and with the approval of the Minister.

In Türkiye, as of 2025, more than 900 labour inspectors are serving in Türkiye. The majority of them work in the field of occupational health and safety, while others are responsible for monitoring working conditions.

2.1.2 Labour inspection process

In Türkiye, inspection activities are mainly carried out in accordance with the General Inspection Plan approved by the Minister of Labour and Social Security. The General Inspection Plan is prepared annually, taking into account national policies and needs, the risks and priorities of the labour market, and statistical data from previous years, while also considering the resources of the Directorate of Guidance and Inspection. Inspection tasks are assigned to labour inspectors by the Minister, the Director of the Directorate, or group presidents. The section of the General Inspection Plan regarding labour inspection is prepared separately for "working conditions" and "occupational safety and health" inspections.

Inspection activities are planned as "scheduled inspections" and "unscheduled inspections" (Labour Inspection Board Regulation Art. 44). Scheduled inspections are conducted based on the assessment and prioritization of problems in the workplace and the labour market. Unscheduled inspections are conducted in response to evaluations of complaints, reports, or similar requests related to labour legislation, or incidents, disputes, or similar matters that have drawn public attention.

Upon assignment of the task, the inspector initiates the inspection process by reviewing the information and documents accompanying the task letter. This includes examining workplace files and documents at the Provincial Directorates of Labour and Employment Agency related to the sector and workplace, as well as conducting necessary research on the inspection subject. If deemed necessary before starting the inspection or during the inspection process, or in case of obstruction of the inspection, the inspector may, pursuant to Law No. 4857, apply to the highest local authority of the area and request assistance from police officers to ensure that the inspection can be carried out. Indeed, if deemed necessary and requested by labour inspectors, the police are obligated to provide any assistance needed to ensure that these inspectors can perform their duties effectively (Art 97).



Generally, inspections are conducted without prior notice and take place during the ordinary working hours of the workplace. The inspector determines the suitable day and time for the inspection based on its subject. Upon arriving at workplaces, inspectors first introduce themselves to senior management, such as the employer or their representative, and briefly explain the purpose of their visit. However, if their duties require immediate observation or identification of specific issues upon arrival, necessary assessments are prioritized. The inspector then requests appropriate arrangements from workplace authorities to facilitate the inspection and ensure a conducive work environment. Confidentiality is maintained throughout the preparation of the work environment during the inspection process.

According to the Regulation on Labour Inspection dated April 19, 2022, labour inspectors are required to carry out the labour inspection activities assigned to them, submit the reports or writings they prepare as a result of their work to the Directorate. The Regulation also stipulates the principles of drafting records/reports in workplace inspections. After each inspection, a report should be prepared which could be categorized as “Scheduled Inspection Report”, “Unscheduled Inspection Report”, “Investigation Report”, and, related to Article 25 of Law No. 6331, an “Administrative Measure Report” (Act 12). A statement record is also prepared for the statements taken. In the preparation of the record, detailed information is provided on the main inspection issues. Findings are clearly written with serial numbers assigned. After signing the record, a copy is given to the employer or their representative at the time of the inspection. If the employer or representative avoids signing the record by indicating disagreement with some or all of the findings and information stated by the inspector, the reasons for objection are written on the record and signed, and a copy is provided to them (Act 11). Reports prepared as part of labour inspection activities are reviewed by the Presidency for compliance with relevant legislation. The actions specified in labour inspection reports that have been forwarded to the relevant units for implementation are carried out without delay. However, if the report contains material errors, it is not processed and is submitted to the Presidency along with the justification. The decision made by the Presidency is considered as the Ministry’s official position and forms the basis for implementation (Act 13). Additionally, errors identified in inspection reports are also formally communicated in writing to the respective inspectors.

The records prepared by labour inspectors authorized to monitor, inspect, and audit working life are valid until proven otherwise. The parties may appeal against the sections of the reports and records prepared by labour inspectors that relate to workers’ claims to the competent labour court within thirty days (Labour Law No 4857, Art 92/3).

2.1.3 Powers, duties, and responsibilities of labour inspectors

Labour inspectors are granted significant authority and numerous powers by labour legislation⁹⁵. According to the Regulation on Labour Inspection dated April 19, 2022, labour inspectors are authorized to enter workplaces covered by labour legislation at any working hour of the day or night without prior notice to the employer or their representatives. If an inspection requires the workplace to be opened, inspectors are empowered to instruct the employer or representative to open closed workplaces and conduct the necessary examination, provided there is no legal impediment. They can also determine whether the records and documents required to be kept in the workplace under labour legislation are present in the workplace and listen to and summon individuals they deem necessary within the scope of their duties, at their location or at a location they deem appropriate, to inquire about their knowledge and statements. Labour inspectors have also the authority to examine all relevant records and documents of individuals and organizations, request and collect information, inspect and review mandatory records at the workplace or another suitable location, obtain copies, and confiscate documents and records that constitute a crime or offense with an accompanying report. In case of non-compliance with the legislation regarding the age, gender, and health status of workers in the workplaces, labour inspectors can request the relevant local authority to prevent these workers from working by sending a formal letter. They can also conduct inspections based on sectorial analyses to combat undeclared employment and propose necessary measures in these matters.

⁹⁵ See, ÇSGB, 2012.

One of the crucial functions of labour inspection in Türkiye is “guidance”, which involves providing technical information and advice to employers and workers on the most effective ways to comply with legal provisions, as outlined in the ILO’s Guidelines on General Principles of Labour Inspection (1.2.1; ii). According to the mentioned Guidelines, the primary objectives of the information and advisory roles are to ensure the successful enforcement of laws and regulations, and to offer technical guidance on optimal practices to employers, workers, and their respective organizations, aiming to enhance working conditions (1.2.4). In recent years, the focus of labour inspectorate in Türkiye has shifted



towards strengthening the guidance role of the labour inspection system through a proactive approach to labour inspection system. According to the Regulation on Labour Inspection dated April 19, 2022, ‘suspension periods’ are stipulated. During an inspection, if an employer commits rectifying identified non-compliance issues within a reasonable timeframe, the inspector may suspend the inspection and allow time for the employer to comply. The workplace is re-inspected at the end of the given period. If the employer successfully addresses the deficiencies within this period, administrative fines are avoided. However, if the employer fails to achieve compliance within the specified period, the inspection concludes with the imposition of administrative fines. The reasons for suspending or concluding the inspection without suspension should be clearly documented in the inspection report (Act.10). In practice, during an initial inspection when a violation of regulations is identified, the standard approach is to grant the employer a deadline to correct the violation rather than immediately imposing a penalty, unless the situation is of such high risk that it necessitates halting the work. Moreover, documents and records constituting a crime under Turkish Penal Code are seized by a report prepared by labour inspectors, and the necessary notifications are made to the Public Prosecutor’s Office.

Inspectors are also subject to specific obligations and responsibilities. While performing their duties, they must minimize disruptions to the normal course of work and the operation of the workplace, depending on the nature of the issues being examined. Any information regarding employers’ and workplaces’ trade secrets, conditions, and economic and commercial status must be kept completely confidential, except when disclosure is necessary for official procedures. Inspectors are also required not to disclose the names and identities of workers and other individuals who provide information or make complaints (Labour Law No. 4857, Art 93). Additionally, they are prohibited from inspecting workplaces owned or managed by their spouses, blood relatives up to the third degree (inclusive), or in-laws, as well as those where they or their relatives are partners. Inspectors introduce their official identification documents, indicating their duties and authorities, to the employer or the employer’s representative before starting an inspection or, if appropriate, during the inspection. Finally, it is important to emphasize that, under the applicable legislation, inspectors cannot be held personally liable for the actions they take or the reports they issue as a result of inspections, audits, reviews, or investigations they carry out, nor for exercising the powers granted to them by law—unless there is a final court decision or findings from a disciplinary investigation proving acts such as evidence tampering or distortion. In civil lawsuits filed due to their opinions or preventive measures, the Ministry shall be the proper party to the case. (Regulation on the Labour Inspection Board of the Ministry of Labour and Social Security Art 42/3).

2.1.4 Labour inspection on working conditions

Inspectors, who are graduates of social sciences, oversee and inspect the implementation of labour regulations, such as working hours, wages, and annual leave rights, in workplaces. This process is referred to as “inspections related to the working conditions”. The inspection related to the implementa-

tion of all legislative provisions concerning working conditions and the environment, such as working hours, wages, the employment of children and young people, informal employment, unemployment, employment, and labour market practices, falls within this scope.

In practice, this inspection is primarily conducted in workplaces covered by the Labour Law No. 4857 and directed towards individuals classified as “workers”. Inspection activities can be conducted either as ‘scheduled inspections’ or in response to requests related to individual claims of workers and/or their representatives arising from the law, employment contract, or collective bargaining agreements, provided that the employment contract is still in effect. Once the employment contract has ended, the opportunity and obligation to inspect claims for wages and other employment-related entitlements also cease. For the operational inspections to be carried out, labour inspectors possess the same duties, powers, and responsibilities outlined in the previous section.

2.1.5 Labour inspection on occupational safety and health

The Occupational Health and Safety Law No. 6331 applies to all work and workplaces in both the public and private sectors, including employers, employer representatives, apprentices, and interns, regardless of the nature of their activities. However, the law includes some exemptions, among which are domestic services and individuals who produce goods and services on their own account without employing workers. According to the mentioned law, the monitoring and inspection of the implementation of this Law’s provisions regarding occupational safety and health are also carried out by Ministry labour inspectors authorized to conduct inspections in terms of occupational safety and health (Art. 24).

Inspectors originating from graduates of engineering and medical faculties inspect the implementation of occupational safety and health provisions in workplaces. In addition to the general authorities that apply to all inspectors, these inspectors also have some additional powers and rights related to occupational safety and health. For example, they examine working conditions and production methods, as well as inspecting machines, tools, equipment, facilities, and raw materials used in production. Inspectors assess whether these items are harmful, hazardous, and compliant with occupational safety and health regulations. If needed, they take samples of raw materials and substances like air, smoke, steam, and dust for analysis. These samples are collected in containers in the presence of an employer, representative, or an employee, and the situation is documented with reports, seals, and, if necessary, photographs and videos. Besides, in their assigned areas, they inspect workplaces where they identify a vital danger regarding occupational safety and health that is not included in their programs, by informing the Directorate and conducting inspections.

Labour inspectors also can take actions related to the suspension of work according to Article 25 of Law No. 6331 on Occupational Health and Safety. According to the related provision, when a condition is identified in the buildings and annexes of the workplace, in working methods and practices, or in work equipment that poses a life-threatening danger to employees, work is halted in part or all of the workplace until this danger is eliminated. The nature of the life-threatening danger, the area it may affect, and the employees who may be impacted by this risk are all taken into account. Additionally, in workplaces classified as very hazardous, such as mining, metal and construction work, or work involving hazardous chemicals or where major industrial accidents could occur, work is halted if a risk assessment has not been conducted. A committee consisting of three labour inspectors authorized to inspect occupational safety and health issues may decide to halt work within two days from the date of detection, based on the findings of the labour inspector authorized to inspect occupational safety and health. However, if the identified condition requires urgent intervention, the inspecting labour inspector may halt work until the committee reaches a decision (Art. 25/2). The decision to halt work is sent within one day to the relevant local administrative authority and the provincial directorate of the Labour and Employment Agency where the workplace file is located. The local administrative authority enforces the work stoppage decision within twenty-four hours through law enforcement. However, if the condition requires urgent intervention, the decision to halt work is enforced by the local administrative authority through law enforcement on the same day (Art 25/3).

The ILO Centenary Declaration for the Future of Work, adopted in June 2019, affirmed the importance of ensuring safe and healthy working environments as a cornerstone of decent work. A strong and effective inspection system is essential for ensuring occupational safety and health, which is directly related to the right to life and bodily integrity, and it must include effective sanctions against those who violate the rules. Indeed, workplace inspections focusing on occupational safety and health play a crucial role in taking a preventive approach to work-related accidents and occupational diseases. To evaluate the effects of inspections on occupational safety and health in California, one study compared over 400 uninspected firms with a randomly chosen set of inspected firms⁹⁶. The study found that workers at the inspected firms experienced fewer injuries, resulting in lower injury-related costs. Importantly, the research also indicated that these improvements did not adversely affect employment, sales, credit ratings, or the longevity of the firms.

2.1.6 Implementation of administrative and punitive sanctions

Ensuring compliance with labour laws involves three essential conditions or stages: understanding the law, recognizing violations, and fearing punishment or losses⁹⁷. An important and complementary part of the labour inspection process is the imposition of appropriate sanctions on employers when necessary. Indeed, the presence and effectiveness of sanctions create a deterrent effect on employers who fail to comply with labour regulations. In Turkish law, administrative sanctions take the form of administrative fines, work stoppages, and prohibition from public procurement, while criminal sanctions include judicial fines and imprisonment.



Determining the amount of administrative fines is a sensitive matter that needs to be handled with care. First, penalties must be of a deterrent nature. Therefore, when fines are used as penalties, their monetary value should be periodically adjusted to accommodate inflation, ensuring that their deterrent effect remains intact over time (ILO's Guidelines on General Principles of Labour Inspection, 6.3.6). Indeed, if the financial burden of complying with labour regulations is higher than the administrative fine for non-compliance, employers may prefer to pay the fine instead. On the other hand, excessively high fines—especially for small businesses—could potentially lead to bankruptcy⁹⁸. Pursuant to the Misdemeanors Law, fixed administrative fines are increased at the beginning of each calendar year according to the revaluation rate to counteract inflation. However, this provision does not apply to proportional fines, the amounts of which vary based on the damage caused, the duration of the violation, and the number of individuals affected (Art. 17/7).

⁹⁶ Levine et al, 907-911.

⁹⁷ Davidov, 115.

⁹⁸ ILO, 2010, 17. Employers, who are unable to pay, as determined by criteria set forth in national legislation, may have the option to arrange suitable agreements with courts or other authorities for partial payments or installment plans. This serves as an alternative to facing insolvency and potential job losses (ILO, 2022, 6.3.9).

In Türkiye, administrative fines can be applied without the need for a judicial decision. This enables administrative fines to be implemented more quickly and therefore more effectively. According to the law, administrative fines are imposed and notified by the provincial directorates of the Turkish Employment Agency (İŞ-KUR). There is an opportunity to appeal administrative fines in the peace criminal court.

Another administrative penalty provided for under the Occupational Health and Safety Law No. 6331 is a work stoppage. Accordingly, if a condition posing a life-threatening risk to employees is identified in the workplace—whether in buildings and their attachments, work methods, or work equipment—the affected area or the entire workplace is halted until the hazard is rectified, taking into account the nature of the life-threatening risk and potential risks involved. Additionally, in workplaces categorized as highly hazardous, such as mining, metalworking, construction involving dangerous chemicals, and others where risk assessments have not been conducted, work is halted. A committee consisting of three inspectors authorized for occupational safety and health inspections may decide to cease work within two days from the date of identifying shortcomings found by the inspector responsible for the inspection. In cases requiring urgent intervention, the inspector who made the determination may halt work until the committee reaches a decision. The decision to halt work is communicated to the relevant local administrative authority and the local office of the Labour and Employment Agency where the workplace file is kept within one day. The decision to halt work is enforced by the local administrative authority through law enforcement within twenty-four hours. However, if urgent intervention is required, the decision to cease work is enforced by the local administrative authority through law enforcement on the same day (Art 25).

Another administrative sanction in this regard is the banning from public procurement contracts. According to Article 25/A of the Occupational Health and Safety Law, in cases of fatal workplace accidents in mining establishments where the employer's fault is determined by a court decision, the employer is banned from participating in public procurement contracts for a period of two years. A copy of the decision is sent to the Public Procurement Authority to be recorded in the employer's record, and it is announced on the Authority's website.

On some occasions, violations of labour legislation can lead to criminal penalties. If non-compliance with occupational safety and health regulations results in death or injury, responsible employers, their representatives, safety specialists, and workplace physicians may be held accountable under the Turkish Penal Code. The Code also includes sanctions for crimes such as violating work and labour freedoms (Art. 117), preventing the exercise of union rights (Art. 118), and discrimination in hiring (Art. 122). After labour inspection reports prepared by inspectors are approved by the report review commission, they are sent to the provincial directorates of İŞKUR for implementation of the specified measures. The directorate may also refer cases to the Public Prosecutor's Office, where deemed appropriate in the report, which can result in criminal sanctions imposed by the criminal court. The prosecutor's office can initiate criminal proceedings based on a report, complaint, or ex officio.

► 2.2 The role of the labour inspection system in the context of future of work in Türkiye

Non-standard work has challenged existing labour and OSH regulations, as well as their monitoring and enforcement, due to the organization of work (such as unconventional workplaces and irregular working hours) and the contractual arrangements (such as a mix of independent and subordinate work elements within the same work relationship)⁹⁹. The emergence of digital working is also reshaping traditional work environments, with new workplaces including airports, trains, waiting rooms, and homes¹⁰⁰. Portable computers, smartphones, and tablets enable work flexibility anywhere and an-

⁹⁹ Lenaerts et al, 1; Paramo & Vega, 4.

¹⁰⁰ Paramo & Vega, 22.

ytime, creating a workforce of “ubiquitous workers” who are constantly interconnected and telework. This trend raises numerous questions about control over working hours, safety and health risks, compliance with regulations on rest and holidays, defining workplace accidents, balancing work and personal life, and the need for regulations regarding the right to disconnect¹⁰¹. Given these developments, the role and future of labour inspections are gaining importance in Türkiye, as well as globally.

In this study, to ensure a certain level of systematics, inspection issues related to remote work and platform work have been addressed under separate headings. Additionally, these two atypical forms of work emerge among others as the most challenging to inspect. However, it is important to emphasize that some of the issues and solutions discussed can be applicable to all atypical forms of work.

2.2.1 Labour inspection in remote work

There is increasing evidence suggesting a significant rise in remote work and telework in the coming years, challenging labour inspection¹⁰². This shift, driven by new technologies, poses compliance challenges as it may be exploited to evade labour laws or mask employment relationships. With tasks now decentralized and often performed from home, labour inspection becomes challenging, especially regarding social security registration and monitoring occupational safety and health regulations. The emergence of undefined flexible work schedules makes inspections even more complex¹⁰³.

One of the main challenges of labour inspection, specifically in terms of home-office work arrangements, is that the labour inspector cannot enter the worker's home without their consent. In all European countries, as is in Türkiye, the inviolability of private homes is a constitutional principle¹⁰⁴. According to the Constitution of Türkiye, *“No one's home shall be violated. Except for a judge's order properly issued based on reasons such as national security, public order, the prevention of crime, the protection of public health and morals, or the protection of others' rights and freedoms; or in urgent cases where delay is detrimental and a written order from an authorized official is obtained based on these reasons; no one's home shall be entered, searched, or have items seized...”* (Art 21). Therefore, when employees live and work in the same place, labour inspectors can only legally access the workplace with the consent or request of the occupant (the worker)¹⁰⁵.

It is important to note that inspectors can request this consent during an unannounced visit; however, if the employee denies permission, labour inspectors have limited authority to conduct an investigation. The inspection of an employee's home-office by a labour inspector without the employee's consent would violate both the constitutional principle of the inviolability of the home and the right to privacy. Therefore, it is essential to conduct inspections limited to ensuring occupational safety and health, with the employee's consent obtained without violating their constitutional rights¹⁰⁶. Additionally, even in cases where prior consent is obtained, informing the employee and obtaining their consent before each inspection, while adhering to legal limits, is necessary. According to a view advanced in the literature, it is argued that legal and administrative measures should be taken to allow official occupational safety inspections to be carried out, if necessary, using force, provided that they are in compliance with legal regulations and requirements. One of the views in the doctrine suggests that special regulations should be introduced in this regard¹⁰⁷.

101 Paramo & Vega, 22. It should be noted that the possibility of working from anywhere at any time thanks to technology, and the disadvantages it creates, are not only relevant to teleworkers but also to employees working from the employer's premises in the traditional working relations, which can infringe upon the worker's right to rest in terms of working hours and accessibility outside the workplace (Alpagut, 324).

102 Paramo & Vega, 22.

103 Paramo & Vega, 22.

104 ILO, 2010, 9. “Labour inspectors are prohibited from entering the private residence of the operator of the business unless they have obtained consent from the operator or received specific authorization from the competent authority” (ILO, 2022, 5.2.2). Currently, for instance, the Danish labour inspectorate does not conduct inspections of private homes for home-based work (Foldal, 27).

105 Civan, 564.

106 Bozkurt Gümrükçüoğlu, 188; Çelik et al, 226; Civan, 564.

107 Civan, 565; Engin, 143.



According to Article 8 of the European Framework Agreement on Telework¹⁰⁸ dated 2002, to ensure compliance with safety and health regulations, the employer, workers' representatives, and/or relevant authorities have the right to access the teleworker's workplace, within the bounds of national laws and collective agreements. However, if the teleworker is working from home, such access requires prior notification and the teleworker's consent. Additionally, the teleworker has the right to request inspection visits to their workplace. Similarly, in accordance with the ILO's Homework Convention No. 177¹⁰⁹, a system of inspection aligned with national laws and practices must be established to enforce compliance with the laws and regulations governing homework. Adequate remedies, including penalties when warranted, for violations of these laws and regulations should be established and effectively implemented. ILO's Homework Recommendation, 1996 (No. 184)¹¹⁰ also stipulates that labour inspectors or other relevant officials responsible for enforcing provisions related to homework should be permitted to access the areas of the home or private premises where the work is being conducted, provided it aligns with national laws and practices regarding privacy protection (Art.8).

One perspective suggests that implementing a video or app-based training program could be beneficial especially for educating new and young workers about homeworking¹¹¹. These resources could cover various aspects, including time management, setting boundaries between the private and professional spheres for work-life balance, ergonomic considerations, and psychosocial well-being. Additionally, exploring the use of technological tools, such as 3D scans of home working environments via smartphones, could facilitate inspections of home-working conditions. However, it is crucial to ensure that these technologies do not infringe on workers' privacy¹¹².

The Administration for Occupational Safety and Health in Iceland advises home workers and their employers to closely monitor the working environment, particularly focusing on office equipment and air quality, as most home workers use computer screens extensively¹¹³. This can be achieved through targeted informational resources and routine inspections conducted with the informed consent of all parties involved.

Another factor complicating labour inspection in remote work is the legal uncertainty regarding the rights and obligations of both workers and employers. Therefore, revising legislation and regulations to clarify the responsibilities of employers and the rights of workers regarding teleworking is essential for the clear detection of violations¹¹⁴. Spain, for instance, implemented Royal Decree Law 28/2020

108 See https://resourcecentre.etuc.org/sites/default/files/2020-09/Telework%202002_Framework%20Agreement%20-%20EN.pdf

109 See, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312322

110 See https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R184

111 Foldal et al, 33.

112 Foldal et al, 33.

113 Foldal et al, 30.

114 European Labour Authority, 2021, 18, 20.

in September 2020, which defines employer responsibilities and employee rights in detail in the remote working. In this regard, the Labour and Social Security Inspectorate (ITSS) is also authorized to examine and oversee the working conditions, including labour, health, safety, and social security aspects, while ensuring respect for workers' privacy. This includes investigating complaints regarding undeclared or underreported work, following up on data from the Antifraud Tool Unit, carrying out inspections, and reviewing documents and records to detect any violations¹¹⁵. Therefore, the legislation enables enforcement agencies to use labour laws as a basis for assessing violations during inspections. In 2007, in Ireland's Labour Relations Commission (now the Workplace Relations Commission), in collaboration with representatives of the Social Partners, drafted a Code of Practice for Protecting Persons Employed in Other People's Homes, outlining the rights of individuals employed in private residences extensively.

Remote work in Türkiye is generally defined and very limitedly regulated in the Labour Law (Art 14/4). The law stipulates that the details of the matter shall be regulated by a Directive. Accordingly, the Remote Work Regulation, issued on March 10, 2021, could be further developed to more effectively address the needs in this area. For example, according to the Regulation, it is required that the employer provides the materials and work tools necessary for the production of goods and services by a remote worker unless otherwise agreed in the employment contract. (Art 7/1). However, it is unclear whether the employer needs to contribute to expenses such as electricity or the internet if the employee works from home, and if so, how the level of this contribution should be determined. Additionally, the determination of work and rest periods for remote work remains ambiguous. Similarly, it is unclear whether an accident that occurs at home is considered a work-related accident, and if so, whether an accident that occurs in the workspace will have different consequences compared to an accident that occurs in, for example, the kitchen. Psychosocial and ergonomic risks that may arise from remote work are not addressed explicitly in the Occupational Health and Safety Law No. 6331 or in the Remote Work Regulation. The law provides a general rule on this matter. Employers are responsible for ensuring the health and safety of employees in relation to their work. In this context, they are required to take all necessary measures, including the prevention of occupational risks, providing training and information, organize work, accordingly, provide the necessary tools and equipment, adapt health and safety measures to changing conditions, and continuously work on improving the current situation (Art 4).

The practices and experiences that emerged during the pandemic can be leveraged to overcome the challenges associated with the inspection of atypical forms of work, including remote work¹¹⁶. For instance, there's a growing recognition of the importance of investing in data analysis for detecting and preventing labour law violations. To sustain this, there needs to be an expansion of staff proficient in data analytics and the establishment of feedback mechanisms for inspectors to enhance the effectiveness of predictive models. The pandemic has also underscored the importance of enhancing data sharing at the national level. Another practice expected to continue in the post-pandemic period is the remote access to resources for inspectorate staff, facilitating access to inspection case management databases and other resources both in the field and while working remotely.

Greater home-based working by inspectorate staff and greater use of virtual meetings in inspectorates are considered to be continued in the post pandemic period. Besides, continued emphasis may be placed on digital solutions for addressing undeclared work, with resources directed towards strategies like utilizing social media and websites for information dissemination and complaint reporting, as well as the ongoing development of mobile apps for remote consulting and sharing best practices, such as the "Know your rights" initiative in Norway¹¹⁷.

¹¹⁵ European Platform Tackling Undeclared Work, 2021, Telework Legislation (Spain), Also see, https://www.boe.es/diario_boe/txt.php?id=BOE-A-2020-11043

¹¹⁶ European Labour Authority, 2021, 14.

¹¹⁷ In close cooperation with labour inspection authorities from Norway, Romania, Bulgaria, Lithuania, and Estonia, a communication strategy and campaign were developed to educate workers from these countries about wages and employment rights in Norway. The information was translated into seven languages and delivered a straightforward message focusing on workers' primary concern: wages. The campaign featured a main film along with various tactical components, including social media posts and banner ads. Additionally, posters, brochures, and postcards were created. During the initial campaign period, over 370,000 people across the four countries viewed the film and advertisements. The campaign earned two gold medals at the Content Marketing Awards (CMA) in 2020. (See, <https://gknordic.com/cases/know-your-rights/>)

In Portugal, inspectors begin with a broad initial assessment, followed by targeted inspections to avoid additional comprehensive inspections¹¹⁸. The inspection process is becoming increasingly computerized, allowing for electronic registration and more digital and documentary inspections. Additionally, video recordings can be made during visits.

Another challenge posed by remote work in terms of labour inspection is undeclared work which will be addressed in the following section.

2.2.2 Labour inspection regarding undeclared work

The rise in non-standard employment and remote work presents a potential risk for an increase in undeclared work¹¹⁹. Since labour law's protective regulations do not apply to informal work, such employees are left entirely vulnerable and insecure. It is also well-known that informal workers have faced greater adverse impacts from the COVID-19 pandemic globally compared to formal workers¹²⁰.

In Türkiye, addressing undeclared work is primarily conducted by the Social Security Institution. On the other hand, combating undeclared work, conducting inspections based on sectoral analyses for this purpose, and recommending necessary measures are also among the duties of the Directorate of Guidance and Inspection and labour inspectors, according to the legislation of DoGI (Art. 8/c). Therefore, labour inspectors take this issue into account during their inspections and notify the Social Security Institution when they identify undeclared work in workplaces.

Tackling undeclared (informal economy in general and informal employment in formal enterprises) work requires training inspectors to recognize signs of it and report them to the appropriate authorities¹²¹. Labour inspectors must be attuned to the challenges related to undeclared work and learn effective ways to address them. They also need to establish new, strategic partnerships both domestically and internationally, working not only with their usual collaborators like social partners but also with other stakeholders¹²². In countries like Spain, Greece, Portugal, the Baltic States, and the Netherlands, where generalist inspectorates are in operation, significant efforts are directed towards identifying and addressing the extent of undocumented work as part of current labour inspection strategies¹²³. Conversely, in states such as the UK, where employment-related issues fall outside the authority of the inspectorate, interest in undocumented work primarily revolves around its implications for occupational safety and health regulations. In Sweden and Denmark, inspectorates do not directly oversee the legality of employment but may report such matters to other government authorities when encountered¹²⁴.

France has a comprehensive legislation and well-established policies to combat fraudulent contracts and illegal employment¹²⁵. The Labour Code describes illegal work in a detailed and clear manner with a few provisions and to provide a clearer understanding of the different forms of illegal work, the General Department of Labour (Direction Générale du Travail - DGT) issued brochures that elaborate on the legal provisions. The well-defined and clear legal classification aids the labour inspectorate in controlling employment relationships, crucially enabling an effective response to fraudulent employment practices¹²⁶. The French Labour Inspectorate plays a crucial role in combatting fraud and

118 See, Report, International Technical Forum of Senior Officials of Labour Inspectorates: The new ILO guidelines on general principles of labour inspection and the future of work, Valencia, Spain, 17–18 November 2022.

119 European Labour Authority, 2021, 3.

120 European Labour Authority, 2021, 2.

121 Community awareness of forced labour can be beneficial in such cases, as it may prompt reporting of undeclared work (ILO, 2010, 9).

122 ILO, 2010, 9.

123 Walters, 14.

124 Walters, 14.

125 Bignami et al, 38.

126 Bignami et al, 38. According to the French labour legislation, different forms of illegal work are “dissimulated work; Trafficking of workers; Illicit supply of work; Employment of foreigners without work permit; Illicit accumulation of employment relation; Fraud or false declaration to the provisions of Labour Code arts. L. 5124-1, L. 5135-1, and L. 5429-1.” (Ibid).

promoting fair employment practices, supported by legislative actions implemented by the General Department of Labour (DGT) over the past decade¹²⁷. These efforts are part of a broader government initiative outlined in the National Plan to Fight Against Illegal Work, aiming to strengthen partnerships, combat undeclared work, regulate cross-border worker transfers, promote responsible contracting practices, prevent undocumented foreign labour, and ensure legal protections under various employment statuses. To set these goals, a national commission, the National Commission to Combat Illegal Work (Commission Nationale de Lutte Contre le Travail Illégal), was established¹²⁸. Labour inspectors, courts, police, gendarmerie, Social Security and Family Allowance Contribution Collection Offices (URSSAF), and tax authorities collaborate to address fraudulent activities through a comprehensive framework of sanctions, remedies, preventive measures, and public information initiatives. Moreover, in 2008, “Operational Departmental Anti-Fraud Committees” (CODAF) have been established within prefectures to monitor various fraud, crimes, including illegal/unregistered work¹²⁹. These committees bring together police, administrative officers (such as transport ministers, labour inspectors, and tax officials), social security units (including the URSSAF organizations), and members of the judiciary. The reason for establishing local CODAF committees was to emphasize the need for coordinated efforts among different authorities to detect and address complex fraud. These committees exchange information, share experiences, and undergo training to enhance their collective ability to identify complex and large-scale fraud more effectively. Indeed, they offer an opportunity for different stakeholders to coordinate their actions and share methods without eliminating their individual authority and practices. These committees also allow labour inspection agencies and the Social Security Unit URSSAF to stay informed about each other’s monitoring and investigations related to platforms¹³⁰.

The French courts also have significantly influenced the definition of employment relationships through their development of the “indication clustering” technique¹³¹. Originally designed to clarify whether services were public or private, this method has been adopted for labour law to establish the legal framework governing work relationships. It involves evaluating a series of factual indicators to determine the nature of the contract, with particular emphasis on indicators of subordination. This approach is widely employed by French labour inspectors to substantiate their findings and take action against instances of deception. These indicators include adherence to a set work schedule and location, worker’s own personal absence; working tools provided by the employer; employer’s exclusive own profit, and remuneration, which helps distinguish between independent and dependent work. Inspectors assess actual working conditions, particularly in terms of subordination, and form conclusions based on the concurrent presence of multiple consistent pieces of evidence. The French labour inspectorate targets deceptive practices such as fraudulent subcontracting, false self-employment claims, hidden managerial roles, disguised internships, and other schemes designed to obscure true employment arrangements¹³².

Italy has undergone significant labour market reforms, notably through Legislative Decree No. 276 of 2003 and the subsequent Biagi Law¹³³. These reforms introduced more flexible contract types and led to a comprehensive restructuring of labour inspection services to better address current employment relationship concerns. The administrative overhaul recognized the labour inspectorate as the key institution for promoting good work practices and combating irregular work¹³⁴. Despite the lack of a unified legal definition of “irregular work”¹³⁵, various laws delegate fraud and misclassification

127 Bignami et al, 38.

128 Bignami et al, 38.

129 Abdelnour et al. 346; ILO, 2010, 8; Bignami et al, 40.

130 The Court of Auditors of France also highlights in its report that the growth of online activities and the rapid expansion of ‘collaborative’ work present significant risks of fraud. It criticizes the reduction in checks aimed at combating undeclared employment. The Court urges increasing personnel in this sector and recommends intensifying efforts to combat illegal work (Abdelnour et al, 344-346).

131 Bignami et al, 40-41.

132 Bignami et al, 40-41.

133 Bignami et al, 45-46.

134 Bignami et al, 45-46.

135 “Irregular/undeclared work is variously referred to as underground or hidden labour, clandestine employment, “black” labour,

control to the General Department of Work (DGL). Legislative Decree No. 124, dated April 23, 2004, seeks to streamline the functions of social security and labour inspectorates and establishes a central commission to oversee and coordinate inspection activities, particularly concerning undeclared and irregular work¹³⁶. The DGL has also issued administrative regulations to guide labour inspectors in recognizing employment relationships, particularly for underground and contract work. Flexible work arrangements are inspected according to standards set by the Ministry of Labour and Social Policies, which are based on the assumption of contract regularity unless proven otherwise.

In Spain, the employment relationship is assumed by law whenever work is performed under someone else's direction and for remuneration, as outlined in the Statute of Labourers (Estatuto de los Trabajadores)¹³⁷. Jurisprudence has defined key characteristics of this relationship, including dependency, remuneration, and integration into the employer's organizational structure. In this context, one of the duties of the Spanish labour inspectorate is to accurately evaluate the nature of a work contract to determine whether it constitutes an employment relationship or independent work¹³⁸.

2.2.3 Labour inspection in digital platform works

Digital platform work introduces new challenges for traditional inspection mechanisms. One of the main challenges in the digital work platforms is the existence of multiparty work relationships and the temporary nature of the relationships which are often not registered or declared¹³⁹. Besides, labour inspection typically focuses on compliance within the context of an employment relationship, which is not applicable to independent platform workers¹⁴⁰. Inspections face additional challenges in platform work due to the blurred distinction between traditional legal definitions of 'employee' and 'self-employed' across various aspects. Furthermore, although ILO's Convention 1947, No. 81 and its Protocol 1995, No. 81 apply to all workplaces, applying them to the platform economy presents practical challenges because work often doesn't occur in a single location, as is the case with riders or drivers¹⁴¹. Numerous online platform workers operate from their homes, hindering inspection efforts due to privacy regulations, as is in other home-office arrangements¹⁴². Additionally, the nature of platform work often extends across virtual realms and international boundaries, posing challenges for authorities striving to ensure compliance. Platform workers are frequently anonymous, scattered across different locations, and challenging to contact, often reluctant to engage due to concerns about potential repercussions, whether from the platform itself, such as the risk of their account being terminated, or from regulatory bodies¹⁴³.

Algorithmic management is also considered to be another obstacle to effective labour inspection¹⁴⁴. Indeed, determining whether automated decisions, without accurate information provided by the platform company, lead to discrimination, for example, or create occupational health and safety risks, is not straightforward to detect and inspect. Non-compliance can also arise from unawareness or confusion about legal status, legal obligations, as well as the complexity of tax and social security contributions¹⁴⁵. Deliberate non-compliance often stems from cost-saving motives, lack of trust, or perceived lack of benefits. This not only reduces worker protection but also undermines fair competi-

moonlighting or, commonly, illegal work" (Fasani, 11).

136 Bignami et al, 45-46.

137 Bignami et al, 52.

138 Bignami et al, 52.

139 ILO, 2024, 33; Lenaerts et al, 1-3. In some scenarios, where clear responsibilities cannot be assigned, there may be an argument for platforms and clients to bear joint and several liability for worker rights, so that a worker can claim against both or either (Lane, 9).

140 ILO, 2024, 93; Lenaerts et al, 1.

141 ILO, 2023, 7.

142 ILO, 2024, 93.

143 Lenaerts et al, 2.

144 ILO, 2023, 7.

145 ILO, 2024, 93.



tion among businesses.

Platforms typically reluctant to share data and details about their workers or clients, severely hindering the oversight and enforcement of labour laws, including regulations related to occupational safety and health, which presents a significant challenge to inspection activities¹⁴⁶. Moreover, the lack of information concerning digital platform work obstructs the identification of the connection between platforms and their workers. In addressing the issue, according to the ILO, registration, licensing, and reporting obligations form a crucial framework for compliance activities¹⁴⁷. For instance, Chile mandates transportation platforms to register with the Ministry of Transport and Communications, meeting specified minimum requirements including insurance coverage. Portugal's legislation for passenger transportation platforms requires disclosure of operational licensing details, with platforms headquartered outside Portugal needing to appoint a local representative. Croatia mandates platforms to report on worker numbers and contractual relationships. Italy requires platforms to report on their nature, worker details, and employment terms¹⁴⁸.

In addressing the issue of lack of information, information exchange and close collaboration among competent authorities and other stakeholders such as social partners are also crucial¹⁴⁹. Additionally, inspectorates can assist platform workers in understanding their status, rights, and responsibilities by utilizing public information campaigns or online tools.¹⁵⁰ For example, the Canadian Labour Program has enhanced its online presence and utilized social media to reach workers in both traditional and non-traditional workplaces.

The traceability of platform activities, enabled by digital contracts and transaction digitization, also presents an opportunity to formalize economic activities often concealed from authorities. This is a critical factor in advancing decent work and ensuring compliance¹⁵¹. The data that can be utilized includes platform-collected data, complaint reports from users and workers about informal activities, and bank records of payments between users and platform workers. However, achieving effective traceability of platform activities will depend on collaboration and information sharing between plat-

¹⁴⁶ Lenaerts et al, 3, 10.

¹⁴⁷ ILO, 2024, 93.

¹⁴⁸ ILO, 2024, 95. In Kenya, platform businesses must not only be incorporated with a registered office in the country but also obtain licensing under relevant regulations. South Korea's Ministry of Employment and Labour collects data on contract terms, worker identities, activities, and compensation for employment insurance purposes. Thailand's broad platform legislation includes reporting obligations on service types, user and worker numbers, revenue, and complaint handling (ILO, 2024, 95).

¹⁴⁹ Lenaerts et al, 10.

¹⁵⁰ Lane, 8; Lenaerts et al, 2.

¹⁵¹ ILO, 2024, 93.

forms and national authorities¹⁵². Furthermore, technological advancements, notably the utilization of big data and data mining, can enable competent authorities to detect potential instances of undeclared or informal activities¹⁵³. Administrative data from various institutions and information extracted from platform websites offer opportunities for cross-checking and verification. There are some countries that utilize big data to identify non-compliance incidents. For instance, in Ireland, the tax authority utilized advanced analytics to identify potential non-compliance patterns, employing a methodology akin to that of the Spanish Tax Agency¹⁵⁴. Similarly, in Belgium, the social security administration utilizes data mining technology to cross-check data from various administrative sources, enabling the detection of potential instances of unreported income and evasion of social security contributions.

Regulations concerning compliance and enforcement in platform-related legislation differ across jurisdictions¹⁵⁵. Inspection activities specifically targeting platform work have been conducted in countries such as Belgium, Finland, Italy, Poland, Portugal, Spain, and Sweden, primarily addressing classification issues and instances of informality¹⁵⁶. In Belgium, inspections are conducted jointly by labour and social security inspectors using data from the tax administration. In response to significant issues of unpaid taxes, social security contributions, and misclassification of platform workers in Belgium, the 2021 Social Fraud Action Plan was initiated to address these challenges¹⁵⁷. This plan emerged due to a lack of unified methods for addressing labour law and social security violations. Through the Social Information and Investigation System (SIIS), social inspectorates are equipped with a standardized approach to enforcement. Additionally, the plan emphasizes cooperation among inspectorates for joint inspections and introduces a unified methodology to combat undeclared work in the collaborative economy. The main objective was to enhance the efficiency and effectiveness of labour and social inspections in the collaborative economy by implementing a common control methodology. This approach also aimed to address undeclared work by accurately determining the employment status of platform workers. Specific objectives of the plan included effectively assessing the conditions and nature of the collaborative economy and the professional situations of both providers and recipients. It aimed to increase cooperation between social inspectorates within the collaborative economy, conduct at least 20 joint inspections in 2021, and optimize the detection of potential fraud and undeclared work by utilizing data collected by the Tax Administration through data mining and data matching¹⁵⁸. The common control methodology for social inspectors involves: 1. Assessing the type of service provided through digital platforms; 2. Verifying the service provider's compliance with legal frameworks and platform conditions; 3. Ensuring the recipient does not use services for economic profit; 4. Determining if the platform is a 'mixed platform' and examining the working relationship; 5. Sharing information with relevant authorities if the service provider is classified as an employee or self-employed; 6. Checking compliance with platform economy regulations and proposing reclassification if necessary. However, the COVID-19 pandemic delayed joint inspections planned under the common control methodology until 2022. Despite this, the testing phase demonstrated that the methodology effectively identifies the status of platform workers (self-employed or employee) and determines the corresponding taxes and social security contributions¹⁵⁹. The plan revealed that determining platform worker status is difficult without legislative definitions, transparency and information are essential, and enforcement is challenging due to the lack of specific sanctions for violations. Collaboration between social inspectorates and tax services, exchanging relevant information, accessing authentic databases, clear guidelines on a common control methodology, and data mining and sharing across different authorities are found to be critical success factors for effective inspections¹⁶⁰.

¹⁵² It is also stated that the overall impact of these factors on formalizing economic activities is likely to differ based on the specific context and sector, including the existing level of formalization in the economy and the country's institutional capacity (ILO, 2024, 28).

¹⁵³ ILO, 2024, 93.

¹⁵⁴ ILO, 2024, 95.

¹⁵⁵ ILO, 2024, 94.

¹⁵⁶ ILO, 2024, 93-94.

¹⁵⁷ ELA, 2022, 2.

¹⁵⁸ ELA, 2022, 3.

¹⁵⁹ ELA, 2022, 4.

¹⁶⁰ ELA, 2022, 4-5.

In France, where platform work and independent work are politically encouraged, labour inspectors can play an active role in regulating platform work within the autonomy and discretion granted to them¹⁶¹. Thanks to their given autonomy, labour inspectors can interpret the working relationship as an employment relationship—despite documents prepared by the Ministry of Labour stating that platform workers are independent contractors. Labour inspectors prioritize advocating for the rights of workers who do not benefit from any protection provided by an employment contract. This approach is particularly relevant for on-demand work platforms, especially those involving transportation and delivery, rather than crowdwork platforms. The interest of labour inspectors in this issue particularly stems from the occupational risks to which platform workers are heavily exposed in France. Inspections conducted by inspectors are sometimes based on reports provided by workers who have previously worked for platform companies, or reports by trade union representatives. The inspection is then supported by the Regional Directorate of Labour.

In Ontario, Canada, upcoming legislation will govern platform work, authorizing a Director of Digital Platform Work to inspect specific regulations. This legislation establishes “compliance officers” with the authority to enter and inspect any location without a warrant to investigate potential violations of the Act or to conduct inspections to ensure compliance with the Act (Art. 22)¹⁶². The authority to enter and inspect a location without a warrant can only be exercised during the location’s regular business hours or, if there are no regular business hours, during daylight hours (Art 22/2). These officers are empowered to issue compliance orders against platform operators found to be non-compliant, with such violations constituting an offense and subject to penalties upon conviction (Art 39)¹⁶³. According to the Law, the authority to enter and inspect a place without a warrant does not extend to areas used as dwellings unless the occupant consents (Art 22/3). Besides, a compliance officer is not authorized to use force to enter and inspect a place. However, a justice of the peace may issue a warrant allowing a compliance officer to enter specified premises and exercise their powers if it’s shown under oath that the officer has been or will likely be prevented from entering or exercising their powers, or if there are reasonable grounds to believe an offense has been or is being committed and evidence can be obtained through the officer’s powers. The Law outlines a complaint procedure with the Ministry for individuals alleging a contravention of this Act, emphasizing that complaints must be submitted in a written or approved electronic format (Art 25). The Law also prohibits any hindrance or interference with compliance officers conducting investigations or inspections, including refusal to answer questions or providing false or misleading information. There is also a meeting procedure in place, wherein a compliance officer, with at least 15 days written notice, may require individuals to attend if investigating a complaint against an operator, discovering reasonable grounds for contravention during an inspection, or obtaining information indicating potential contravention by an operator regarding a worker. Any of the following persons may be required to attend: the worker, the operator, or, if the operator is a corporation, a director or an employee of the corporation (Art 31). According to the legislation, operators must record detailed information for each worker accessing their digital platform to accept or decline work. This includes the worker’s name and address, dates of platform access, dates when access was removed or reinstated, dates and times of work assignments, amounts paid for assignments, payment dates, and descriptions of payments, including tips and gratuities. The operator must ensure that the records mandated by this section are easily accessible for inspection by a compliance officer, regardless of whether the operator has designated another person to maintain them (Art. 14). A compliance officer conducting an investigation or inspection may examine and require the production of rele-

¹⁶¹ Abdelnour et al, 344.

¹⁶² The Deputy Minister will provide each compliance officer with an appointment certificate that includes the Deputy Minister’s signature or its facsimile (Art 19/2).

¹⁶³ If a compliance officer identifies a violation of the Law or its regulations, they have the authority to order the cessation of the violation, dictate necessary actions for compliance, and set a deadline for compliance (Art 39). Besides, If a compliance officer believes that a person has violated a provision of this Law or its regulations, they have the authority to issue a notice to the person outlining their suspicion and specifying the penalty amount for the violation. If a person found to have violated a provision of this Law or its regulations must pay the penalty and any associated collector’s fees and disbursements to the Minister of Finance (Art 47). On the other hand, a compliance officer is prohibited from issuing an order or notice of contravention concerning a worker if: (a) the worker filed a complaint more than two years prior, (b) another worker filed a complaint and more than two years have passed since the complaint was filed, and the officer discovered the contravention while investigating, or (c) if no complaint was filed and more than two years have elapsed since a compliance officer commenced an inspection regarding the operator’s potential contravention (Art 62).

vant records or items, remove them for review and copying, use business data systems to produce readable records, and question individuals on pertinent matters (Art 22/6).

If a compliance officer determines a violation of Article 13, they may order compensation for any losses incurred by the worker, reinstate the worker's access to the digital platform, or both (Art 34). Article 13 prohibits operators and their representatives from intimidating or penalizing workers for seeking compliance, inquiring about rights, filing complaints, exercising their rights, providing information, testifying in proceedings under the Act, or due to court-ordered payments to third parties. Anyone who violates this Act or its regulations or fails to comply with an order or requirement under it, commits an offense and faces penalties: individuals can be fined up to \$50,000, imprisoned for up to 12 months, or both; corporations can be fined up to \$100,000, with higher fines of up to \$250,000 or \$500,000 for repeat offenses (Art 52). If an operator is convicted of violating section 13, the court will mandate specific actions to remedy the contravention, in addition to any fines or imprisonment. This may include paying any owed amounts, reinstating access to the digital platform, or compensating for any losses incurred due to the violation (Art 53).

On September 1st, 2022, Chile became one of the countries to address platform work at a legal level. Accordingly, a section on platform work was added to the Labour Law, categorizing platform workers into two separate categories: "dependent platform workers" and "independent platform workers"¹⁶⁴. Workers in the dependent category have the status of employees and are subject to provisions applicable to employees, although deviations from the general rule are made regarding working hours and wages considering the flexible nature of the work¹⁶⁵. The category of "independent worker" in the regulation defines the worker as an independent contractor, with the platform having the sole function of coordinating communication between the platform worker and the platform, but applying certain provisions such as working hours, wages, and prohibition of discrimination, making it a distinct category. In this category, specific regulations are also introduced, especially regarding wages and the right to rest, aiming to protect the worker. Accordingly, rules have been implemented to make the payment system accessible and transparent for the worker, and platform companies are obliged to enforce a mandatory "disconnect period" of at least twelve hours every twenty-four hours. The law also includes provisions related to inspection. Accordingly, digital platform companies providing services must allow access to their algorithm's program when necessary for competent authorities to conduct proper inspection, provide full and adequate explanations of how the algorithm makes decisions, and present the data it has been trained on and all other relevant factors necessary for full compliance with the law. Labour inspection will oversee whether the obligations set forth in the regulations, especially those regarding ensuring non-discrimination by automated systems, are properly fulfilled within their jurisdiction. Violations in this regard will be subject to fines, which will be doubled in case of repetition (Art 152, D & I). As in this example, in instances where there is persistent evidence of platform operators violating the law, countries may consider enhancing penalties to promote compliance. These measures could involve increasing compensation for repeated breaches, as seen in the United Kingdom (UK), implementing naming and shaming tactics similar to those employed in the UK, or even resorting to imprisonment¹⁶⁶.

In most systems, labour inspectorates typically refrain from directly determining the presence of an employer-employee relationship. Since this is normally the task of national judicial systems but instead focus on collecting evidence and evaluating the actual working conditions existing at the workplace which could lead to follow-up investigations and to court cases¹⁶⁷.

¹⁶⁴ See, Chile, Labour Code as amended by Law No. 21.431 of 8 March 2022.

¹⁶⁵ Simonet & Garcia, 3-4.

¹⁶⁶ Lane, 8.

¹⁶⁷ Lenaerts et al, 1; Barbero et al., 35. In countries like Spain, Greece, Portugal, the Baltic States, and the Netherlands, multifunctional inspectorates play a crucial role in efforts to assess and reduce undocumented work. These countries prioritize identifying the scale of informal employment and implementing measures to address it as part of their current labour inspection strategies. In contrast, the United Kingdom's inspectorate does not handle employment-related issues, focusing primarily on how undocumented work impacts occupational safety and health arrangements for affected workers. Meanwhile, in Sweden and Denmark, inspectorates do not directly inspect employment legality but may inform other governmental bodies when encountering such issues (Walters, 14).

The determination of the employment relationship should primarily rely on factual aspects related to work actual performance and remuneration, regardless of how it's characterized in any agreements as emphasized in R198 - Employment Relationship Recommendation, 2006 (No. 198). Therefore, inspectors are required to focus on hierarchical power and subordination to assess this relationship, considering elements like direction, control, and discipline¹⁶⁸. In addressing the issue, labour inspectorates need sufficient legal authority and tools to address real situations effectively. They typically issue notices, reports, and other administrative measures to promote compliance within businesses, often analyzing specific relationships to distinguish between genuine independent work and disguised employment needing protection¹⁶⁹. However, labour inspectorates, facing challenges due to the blurred lines between employment and self-employment, may need to take a more proactive role, despite resource constraints¹⁷⁰. This could involve enhancing expertise, refining protocols, piloting new initiatives, and sharing successful strategies to enforce existing regulations effectively. Additionally, clear criteria for identifying sham self-employment may be necessary to combat potential misrepresentation¹⁷¹. Labour inspectors also require training to identify and evaluate employment relationship abuses, such as disguised employment relationships, in order to better protect workers' rights and ensure fair labour practices¹⁷². Indeed, it is of great importance for labour inspectors to acquire specific expertise and competencies in order to effectively identify such platforms, determine whether they act as intermediaries or employers, assess the ownership of work tools, and analyse the relationships between clients, workers, and the platform¹⁷³.

While most platforms classify their workers as self-employed, many of these workers do not register as such, and this leads to a situation where platform work often involves lawful but undeclared activities, falling under the European Commission's definition of undeclared work¹⁷⁴. Therefore, monitoring and enforcing regulations in such cases face similar challenges as with other forms of undeclared work, with detection being a primary and significant challenge. In most European countries, the fight against undeclared work is typically integrated into broader strategies targeting undocumented employment, with public authorities implementing measures to facilitate labour inspection activities aimed at monitoring working conditions¹⁷⁵. In Ireland, for instance, efforts to address undeclared work are led by the Hidden Economy Monitoring Group, operating within the country's broader employment rights framework¹⁷⁶. This group collaborates with various stakeholders under Ireland's social partnership agreements and is complemented by measures such as the Employment Law Compliance Bill. Other countries like Germany, Luxembourg, Finland, Lithuania, Poland, and France have also established coordinating bodies or units to combat undeclared work, emphasizing strategic operations and data sharing among government agencies and social partners¹⁷⁷.

Spain has also implemented targeted campaigns to combat false self-employment within platform work. These efforts involve creating specific operational procedures, offering specialized training to inspectors, and conducting regional pilot programs¹⁷⁸. In Spain, the Central Services of the Labour

168 Lenaerts et al, 1.

169 Barbero et al, 35. It is emphasized that the investigations conducted by labour inspectorates are vital not only for establishing the employment status of platform workers, especially in cases where there's suspicion of misclassification or undeclared work, but also for safeguarding them from precarious conditions, such as inadequate protection against occupational hazards or lack of insurance coverage for work-related incidents. Additionally, the initiatives and tools introduced by inspectorates aimed at platform workers can enhance their understanding of their rights and duties (Lenaerts et al, 2).

170 Aloisi, 26.

171 Aloisi, 26.

172 ILO, 2010, 9.

173 Lenaerts et al, 24. For example, it is stated that, inspecting on-demand (transport) platforms involves examining vehicle selection, ownership, car license, registration, insurance, and the provision of smartphones and GPS equipment. Labour inspection must proactively address these changes, ensuring decent working conditions for crowd and on-demand workers, and should actively engage with policymakers in regulating new forms of work (Lenaerts et al, 24).

174 Lenaerts et al, 3.

175 ILO, 2010, 8-9.

176 ILO, 2010, 10.

177 ILO, 2010, 10.

178 Lane, 8, 21.

and Social Security Inspectorate (ITSS, Inspección de Trabajo y Seguridad Social) Strategic Plan addressed bogus self-employment in platform work through targeted campaigns in 2018-2020¹⁷⁹. The plan presents a range of operational measures “*directly targeting platform work*”, such as providing inspectorates with tools for identifying platform workers, providing an operations manual to assist inspectorate officials in their work, training specialists, and conducting specific campaign to inspect platforms¹⁸⁰. With this plan, the ITSS standardized its monitoring efforts by compiling information from multiple sources, including past cases, information obtained via workers who filed complaints with trade unions or information obtained from the platforms’ websites. Immediately following these developments, amendments to the Workers’ Statute in Spain were made by Royal Decree-Law 9/2021 (the so-called Riders’ Law) on May 11, 2021¹⁸¹. The regulation introduces a presumption of employment where there is an activity consisting of the delivery or distribution of products or merchandise combined with direct, indirect or implicit control of the organization or its management and the service and/or the working conditions are managed by an algorithm through a digital platform¹⁸². In other words, if it is demonstrated that a worker provides services to an employer for remuneration and that the service is organized, managed, and controlled by the platform through direct, indirect, or implicit use of algorithmic management tools, the burden of proof shifts to the platform¹⁸³. The law also stipulates that; platforms must share details and insights about their algorithm with relevant inspection services. Additionally, the guide on the collaborative economy outlines procedures and indicators to assist inspectors in evaluating both the factual and legal aspects of platform worker situations and relationships¹⁸⁴. The ITSS has effectively monitored the platform economy and enforced relevant laws, identifying 11,013 false self-employed workers on a single platform in 2019-2020¹⁸⁵. These efforts, which predate the Riders’ Law, demonstrate the ITSS’s capability to enforce compliance despite challenges in defining the worker-platform relationship. Their success stems from a strategic approach that includes regular biannual training courses for inspectors on platform work and e-commerce since 2017, involving officials who participated in relevant investigations and independent experts. The ITSS coordinated some actions through a Special Unit at the Central Services to unify investigation procedures, especially for complex and resource-intensive investigations involving multiple regional divisions¹⁸⁶.

Simplifying administrative procedures and reducing court fees can be an option to address the issue, making it easier and less costly for platform workers to challenge their employment status. For instance, in Portugal, Law No. 63/2013 of 27 August 2013 established a new, special type of judicial procedure for acknowledgment of the existence of an employment agreement (AREC)¹⁸⁷. Since then, the ACT (Autoridade para as Condições do Trabalho, or Portuguese Authority for Working Conditions), the national labour inspectorate responsible for enforcing labour laws, ensuring compliance

179 Lenaerts et al, 4.

180 Before 2017, the measures implemented in Spain, primarily triggered by formal complaints from platform workers, highlighted to the ITSS that the platform economy was an emerging phenomenon requiring scrutiny. At that time, the ITSS had inconsistent approaches to platform economy cases due to regional divisions of the ITSS, resulting in varied case outcomes (Lenaerts et al, 4).

181 The Riders’ Law was developed through tripartite dialogue in Spain, involving representatives from the Ministry of Labour and Social Economy, major national trade unions (CCOO and UGT), and employers’ organizations (Confederación Española de Organizaciones Empresariales and Confederación Española de la Pequeña y Mediana Empresa) (ILO, 2024, 85).

182 Lenaerts et al, 5.

183 Aykaç, 2024; Ezer, 804; Tolu Yılmaz, 180.

184 Lenaerts et al, 5. Examples of such indicators include the recruitment process, analysis of data processed by the platform (such as working hours, monitoring of worker location and movement), means of control (such as implicit instructions disguised as recommendations, consequences for declining an order, and client assessments), and the pricing of services (Lenaerts et al, 5, footnote 17).

185 Lenaerts et al, 4-5. Similarly, in 2019, the Polish National Labour Inspectorate conducted inspections at Uber Poland and entities cooperating with Uber and other platforms engaged in food delivery and passenger transport. These inspections, prompted by complaints and information from various sources, covered 265 workers, including 68 migrants, across multiple regions. The main issues investigated were undeclared work, occupational safety and health (OSH), and compliance with workers’ rights. Several irregularities were found, such as failure to declare workers for social insurance, late payment of contributions, violations of the minimum hourly rate, improper use of civil contracts, lack of OSH training, and inadequate documentation of occupational risks. As a result, notices and orders were issued to rectify the violations, fines were imposed on responsible individuals, and educational measures were applied (Lenaerts et al, 7).

186 Lenaerts et al, 4-5.

187 Menendez, 2019.

with occupational safety and health regulations, and protecting workers' rights in Portugal, and the Public Attorney's Office have intensified efforts to uncover false self-employment¹⁸⁸. In 2017, the ACT conducted numerous inspections, leading to several AREC lawsuits. Nearly half a million inspections revealed about 330 false self-employed workers, resulting in 294 formal complaints¹⁸⁹. Consequently, labour courts handled many AREC procedures in 2018. Unlike other countries where the gig economy is growing, Portugal has seen a decline in false independent contractors, largely due to the active intervention by the ACT¹⁹⁰.

One proposed solution found in literature to address OSH and risk management challenges in digital platform work is to consider the regulations governing temporary agency work, which also involves triangular work relationships¹⁹¹. To give an example on the subject, the cooperation between Deliveroo and SMart in Belgium allowed food delivery riders to choose between working as self-employed or as employees through SMart, which serves as a support organization for artists and functions similarly to a temporary employment agency. Those who chose the latter were covered by Belgian labour and OSH legislation, including receiving a minimum wage, work-related accident insurance, and OSH training. Towards the end of 2017, Deliveroo declared the cessation of its partnership with SMart, concurrently altering its payment structure and work allocation algorithms, coinciding with impending closure of a collective agreement negotiation with trade unions by SMart. In response to controversy over Deliveroo's changes, the Minister of Employment ordered a thorough investigation by the labour and social security inspectorates¹⁹². This 18-month investigation, based on interviews with 115 riders, led to judicial proceedings initiated by the public prosecutor, focusing on the riders' ambiguous employment status and the application of OSH obligations exclusive to employees. Trade unions played a significant role in this process, particularly by urging riders to participate in the lawsuit and offering legal representation funded by the unions. On December 8, 2021, the court declared the riders as self-employed, which is considered a significant victory for Deliveroo, though it is unclear if this decision will be appealed¹⁹³.

It should be noted that according to a view in the literature, although all above-mentioned legislative initiatives have received praise in the media and academic circles, they have not effectively addressed the major challenges faced by inspection services in monitoring platform work, specifically making the enforcement of OSH regulations very difficult or even impossible¹⁹⁴.

The European Union's 2024/2831 Directive on Improving Working Conditions in Platform Work introduces a presumption of employment for platform workers and assigns a role to labour inspections to ensure its effectiveness. According to the Directive, Member States should develop a supportive framework to ensure the proper implementation and adherence to the legal presumption and establish robust oversight and inspection measures carried out by national authorities, in accordance with national law or practice. These measures should include, where necessary, specific checks on digital labour platforms when a competent national authority has confirmed the employment status of someone performing platform work. These inspections should be proportionate and free from discrimination (Art. 6). Thus, it is expected that labour inspectors will play an active role in implementing the established legal presumption.

188 Law No. 55/2017 expanded this procedure to include fake professional internships and volunteering, eliminating the option of conciliation hearings. A proposed reform aims to allow employees to file AREC claims directly in court (Menendez, 2019).

189 Menendez, 2019.

190 Menendez, 2019.

191 Leanerts et al, 8.

192 Leanerts et al, 8.

193 Leanerts et al, 9. Another example of triangular work relationships is subcontracting, as seen in Poland. Uber drivers in Poland can work either directly through Uber as self-employed entrepreneurs or through an 'Uber partner firm' under a civil contract. In the latter case, the partner firm is responsible for OSH. Civil contracts are not considered employment contracts or self-employment, nor are they seen as an intermediary category, but they do fall under the remit of labour inspectorates. Several provisions regulate employers' OSH obligations for those working under civil contracts and the self-employed, although the Polish Labour Code applies only to employees (Lenaerts et al, 5-6).

194 Lenaerts et al, 1.

2.2.4 COVID-19 period and Labour Inspection

The COVID-19 pandemic, which has profoundly affected the whole world, has led to increased unemployment, poverty, and economic and social inequalities, particularly for disadvantaged groups such as women, workers in the informal economy, and temporary workers. Non-standard employment arrangements such as remote (home-based) work and platform work have become even more widespread due to social distancing measures.

During the COVID-19 pandemic, employers in many countries, including Türkiye, were advised to ensure that employees in vulnerable risk groups worked from home whenever possible, conduct occupational health and safety training remotely, require those returning from abroad to work from home for 14 days, minimize the number of employees in the workplace simultaneously, and prioritize remote work methods where feasible. These measures have led to increased isolation and challenges to maintain work-life balance throughout the world.



During this period, the conditions for the short-time working allowance were eased to support businesses and workers by Türkiye under national law. Thus, labour inspectors evaluated the numerous eligibility applications for this allowance through remote inspection methods. During the COVID-19 period, inspections by official notification and on-site inspections when necessary were also conducted. Inspections by official notification involve carrying out inspections through notifications in exceptional cases, such as failing to obtain overtime approval, not paying wages through the bank, or collective redundancies. In this context, in accordance with Notification Law No. 7201 and the Regulation on the Implementation of the Notification Law, a notification is sent to the employer requesting the submission of documents related to the subject of the inspection. These inspections are concluded based on records and documents, without any on-site examination. The procedure for how the tasks assigned to inspectors will be carried out is specified in the task acceptance form. If, following the notification, the employer fails to comply with the invitation, the inspection is concluded on-site by the assigned inspector, and an administrative fine is recommended for the employer under Article 107(1) (a) of Law No. 4857 for violating Article 92 of the same law. During the COVID-19 period, additionally, sector-specific guidelines were prepared by the Ministry of Labour and Social Security.

In addition to the pandemic itself posing an occupational safety and health risk, there has been an increase in psychosocial and ergonomic risks associated with remote work. Indeed, the pre-pandemic focus of OSH primarily revolved around industrial safety and hygiene, particularly in preventing occupational accidents and diseases, whereas the pandemic has prompted a shift in focus towards additional dimensions such as mental health in the workplace, an area that was previously not given adequate attention¹⁹⁵. People working from home faced specific psychosocial risks, including isolation, blurred work-life boundaries, and increased domestic violence, while fears of job loss, pay cuts, and unemployment can severely impact mental health¹⁹⁶. This could also lead to psychological effects such as low mood, exhaustion, anxiety, depression, burnout and suicidal thoughts, and physical symptoms such as digestive issues, fatigue, and cardio-vascular or musculoskeletal disorders, and behavioral changes such as increased use of tobacco, alcohol and drugs as a way of coping¹⁹⁷. The rise in remote work and the use of information and communication technologies (ICT) during the pandemic lead to a surge in cyber bullying.

¹⁹⁵ ILO, 2022a, 18.

¹⁹⁶ ILO, 2020, 6.

¹⁹⁷ According to the ILO, workplace occupational safety and health management systems (OSH-MS), emergency preparedness plans, and return to work plans designed to address the COVID-19 crisis should include measures for protecting workers' mental health (ILO, 2020, 7).

On the other hand, frontline workers, including those in healthcare, emergency services, and essential goods production, were dealing with increased stress, longer work hours, and reduced rest periods due to the COVID-19 pandemic¹⁹⁸. Besides, concerns about contracting the virus at work and spreading it to family, friends, and colleagues, when proper protective measures were absent, added to their stress.

Under these challenging conditions, the task of ensuring the effectiveness of labour law still fell primarily on labour inspectorates, however, the inadequacy of traditional inspection tools has become more apparent. In addition to the legal barriers hindering labour inspectors from extending their inspections to private homes, they also faced health risks themselves during the face-to-face inspections they were able to conduct. On the other hand, the conditions that emerged from the pandemic and limitations on citizens' mobility and shortages of essential items could lead to increased violence against personnel such as labour inspectors or police officers tasked with enforcing the measures and OSH legislation, as well as those involved in the sale and delivery of essential goods¹⁹⁹.

During the COVID-19 pandemic, while the demand for some platform services like taxi rides decreased, the need for food and parcel delivery surged²⁰⁰. This increase posed significant public health risks due to the frequent contact between delivery workers and clients, especially when OSH and COVID-19 safety measures were not followed. The difficulty in monitoring and enforcing COVID-19 safety measures in platform work jeopardized the health of workers, clients, their families, and the public.

One of the main challenges related to labour inspection was ensuring the labour inspectors' protection against infection during the pandemic. According to one perspective, labour inspectors should be regarded as essential workers, similar to other frontline workers during the pandemic²⁰¹. Countries developed various measures to protect the labour inspectors against infection. In Western Balkan States, for instance, state authorities and enforcement agencies have adjusted their working practices to protect staff during physical inspections amidst the pandemic²⁰². This includes conducting risk assessments for inspectors and staff, implementing safety measures like masks and social distancing, and addressing hygiene concerns related to transportation²⁰³. As a part of conducting risk assessments for inspectors, in various countries, inspectors who are medically vulnerable due to immune deficiencies or chronic illnesses are refraining from conducting onsite inspections. Some enforcement authorities closed their offices and halted inspections, while others remained open and continued inspections, albeit with reduced activity²⁰⁴. This variation often depended on whether the enforcement authority was considered an "essential" service and whether it had responsibilities for OSH. In countries like Serbia, where labour inspectorates had OSH duties, inspections continued even during lockdown. In Albania, the State Labour and Social Services Inspectorate (SLISS) persisted in investigating complaints and workplace accidents. Conversely, labour inspectorates without OSH functions, such as Ireland's Workplace Relations Commission, were not initially deemed essential and closed during the early stages of lockdown. In Portugal, labour law-focused inspections during the pandemic have been limited to reactive cases such as exposure to biological risks, work-related accidents, unlawful terminations, and harassment situations²⁰⁵. Inspectors pre-planned visits carefully, assessing the necessity and potential risks, and ensured the appropriate use of personal protective equipment (PPE).

198 ILO, 2020, 6.

199 ILO, 2020, 16.

200 Lenaerts et al, 10-11.

201 Leanerts et al, 11.

202 Williams, 3.

203 Most countries provided labour inspectors with simple masks or P2 or P3 masks and/or face shields based on the risk level of the inspections they conducted while some countries also provided training on the proper use of masks. In many countries such as Albania, Bosnia and Herzegovina, Greece, Latvia, Luxembourg, Portugal, and Serbia, gloves and disinfectants have been provided for inspections, while one-time protective clothing is reserved just for the most hazardous inspections (Williams, 15).

204 Williams, 13.

205 Williams, 14.

During the height of the pandemic, physical inspections were primarily conducted only in urgent cases and when deemed absolutely necessary²⁰⁶. Inspections in high-risk sectors such as health facilities, elderly care institutions, and undertakers were often avoided. Decisions to undertake inspections also distinguished between labour law and OSH inspections, with OSH inspections being more common, and labour law inspections often handled through document review instead of on-site visits. Inspectors in many countries minimized contact with related persons during inspections and were encouraged to handle as much as possible before and after inspections remotely. For instance, in the Netherlands, they might use video calls for pre- or post-inspection information gathering²⁰⁷.

In the European Countries, despite the pandemic, 60% or more inspections have remained in-person at workplaces. However, many have also turned to alternative methods for detecting and preventing undeclared work²⁰⁸. These alternatives include remote inspections by phone or video conference, as well as postal and documentary inspections from the office, which involve cross-referencing information or databases. Some authorities have replaced in-person workplace inspections with inspections conducted over the phone, via video conference, or through postal mail in countries such as Albania, Bosnia and Herzegovina, Denmark, and Norway²⁰⁹. In Sweden, desk-based inspections have become more prevalent for detecting and preventing undeclared work, with regional variations, while telephone inspections were preferred over video in 2020 due to privacy concerns on virtual platforms²¹⁰. In Latvia, a new distant inspection method involves observing workplaces from a car, enabling authorities to make progress without entering workplaces.

As a result of the pandemic experience, many countries have discovered that investigating some of labour law complaints including payments, salaries, and terminations can often be resolved through document exchange and written feedback, eliminating the need for in-person visits²¹¹. Countries such as Belgium, Denmark, and Greece experienced that labour inspectorates can achieve much in detecting and preventing undeclared work without visiting workplaces, though verifying some rights and working conditions still necessitates a physical visit. Latvia also found that most labour law complaints, such as issues with payments, salaries, and firing, can be resolved through document exchange and written feedback from both parties, eliminating the need for in-person company visits²¹². In the USA, OSHA categorized workplaces into four risk levels, with “very high” for specific healthcare tasks, “high” for healthcare support staff and certain other workers, and lower levels for workers in industries like meatpacking or retail. OSHA planned to prioritize enforcement for higher-risk groups, while handling complaints from lower-risk groups through non-formal procedures without on-site inspections²¹³.

In Türkiye, while the eligibility criteria for the short-time working allowance were primarily inspected remotely by strengthening the existing electronic infrastructure of the Data Center and adding a short-time working module, on-site inspections were also conducted when necessary, during the COVID-19 period. In this context, the DoGI reviewed and finalized 573,340 short-time work applications in 2020. After the Ministry of Health announced the first confirmed case of COVID-19 in Türkiye on March 2020, scheduled inspections were halted; however, inspections based on complaints and those deemed urgent continued. A total of 4,107 COVID-19-related complaint investigations were conducted in 2020. Scheduled inspections focusing on occupational safety and health, as well as the working

²⁰⁶ Williams, 14.

²⁰⁷ Williams, 15.

²⁰⁸ European Labour Authority, 2021, 9.

²⁰⁹ Williams, 16. In some countries, telephone inspections have been preferred over video inspections due to concerns about security and privacy issues with video online platforms, which must be addressed before using video inspections (*ibid*).

²¹⁰ European Labour Authority, 2021, 9. Some view them as a prelude to a later physical inspection, while others see them as independent check-ups (*ibid*).

²¹¹ Williams, 16.

²¹² European Labour Authority, 2021, 9.

²¹³ Spieler, 30. In June 2021, OSHA issued an Emergency Temporary Standard (ETS) titled “Occupational Exposure to COVID-19,” applicable solely to healthcare facilities. The ETS mandated covered healthcare employers to establish COVID-19 plans for hazard identification and control, addressing issues such as PPE, cleaning protocols, health screening, training, recordkeeping, retaliation prevention, and vaccination support. Regarding ventilation, it emphasized maximizing outside air circulation. The ETS lasted six months before being withdrawn in December 2021 (*ibid*).

condition inspections, resumed after the full lockdown. Additionally, the implementation principles of these scheduled inspections were updated to include assessments of whether COVID-19-related precautions had been taken.

In general, the crisis has prompted discussions on the potential for conducting more inspections remotely after the pandemic, possibly by using various sources of information or carrying out inspections in a more limited scope without direct human interaction²¹⁴. Indeed, the pandemic has prompted labour inspectorates to reconsider the necessity of physical inspections, exploring alternatives and focusing more on risk assessments to decide when on-site visits are justified. There are varying approaches to this issue. From one perspective, it has become clear that many inspections can be carried out remotely without requiring an on-site presence. This perspective also finds written (remote) procedures to be more objective and less stressful for everyone involved, indicating that they might be more commonly used in the future²¹⁵. Another perspective suggests that in-person inspections are still necessary, vital and effective compared with alternative types of inspection²¹⁶. However, there is also a need to evaluate the effectiveness of onsite and physical inspections compared to other methods like notification letters and alternative inspection types. Within the scope of this research, the labour inspectors we interviewed highlighted the importance of conducting OSH inspections on-site, without distinguishing between high-risk and low-risk workplaces. They also emphasized, however, by strengthened and secured digital system's infrastructure, various documents in the field of OSH, such as periodic control reports for work equipment and periodic medical reports, can be uploaded to this system. Besides, it can be verified whether the person controlling the work equipment is authorized to do so through the digital system. Therefore, while on-site inspections in the field of OSH are vital, inspectors reviewing the related documents through this system and making an initial assessment before conducting inspections would increase the speed and effectiveness of the on-site inspections. On the other hand, they also noted that certain aspects of monitoring other working conditions could be conducted remotely. Indeed, the inspection of the eligibility of short-time work allowance applications continues to be conducted largely remotely even after pandemic. Besides, inspections by official notification to employers, which involve inspections through notifications in exceptional cases such as failing to obtain overtime approval, not paying wages through the bank, or collective redundancies, began during the COVID-19 pandemic and have continued to be implemented thereafter.

During this COVID-19 Pandemic, it was clearly recognized that inspectorates need to continually evaluate their operations and integrate new technologies such as artificial intelligence and data mining. The significance of electronic registers, databases, and data mining in facilitating risk assessment and determining inspection targets was particularly emphasized²¹⁷. Besides, the use of apps allowing inspectors to access real-time data from databases during on-site inspections may persist and evolve, potentially extending to joint and coordinated cross-border inspections in the future²¹⁸.

²¹⁴ Williams, 16.

²¹⁵ However, another perspective suggests that remote inspections can be slow due to the need for additional paperwork (European Labour Authority, 2021, 7).

²¹⁶ European Labour Authority, 2021, 7-8. It is emphasized that physical inspections are particularly crucial for businesses deemed risky or non-compliant, such as those with working time violations and other forms of undeclared work. Indeed, according to one perspective, when an organization's risk assessment suggests compliance, inspectorates may lean towards using desk-based inspections such as documentary or postal reviews. This approach is typically applied to larger, well-established entities like municipalities and major companies. However, for smaller or lesser-known entities, one perspective suggests that desk-based inspections might result in increased workload and take more time due to the effort required to collect and validate potentially fraudulent documents. Norway's experience also indicates that desktop inspections may not be highly effective for addressing undeclared work, but they can offer cost benefits when planning inspections for compliant businesses. Another significant limitation of desktop inspections is the difficulty in capturing the worker's perspective since it can be challenging to obtain her perspective even during physical inspections, it becomes an even greater challenge in desktop inspections. A key consideration is whether the desktop inspection process can be structured to explicitly include the worker's viewpoint (European Labour Authority, 2021, 10). Spain and Greece, on the other hand, had been utilizing desk-based inspections to address social security concerns for many years, including before the pandemic. In particular, Greece had used these inspections for mediating labour law issues such as salaries and staff terminations.

²¹⁷ The pandemic has led to a greater appreciation of the benefits of data analysis in detecting and preventing labour law violations. Therefore, a focus on improving data sharing at the national level is necessary and the development of personnel with advanced data analysis skills and the establishment of processes for inspectors to provide feedback during the creation of predictive models are essential for improving effectiveness (European Labour Authority, 2021, 14).

²¹⁸ European Labour Authority, 2021, 7, 11.

To sum-up, achieving the right balance between physical inspections and other methods in addressing the issue is essential. In other words, physical and remote inspections should be effectively combined for better human resources and time management, which would also serve for more workplaces covered within the scope of labour inspection.

2.2.5 Digital monitoring / surveillance in workplace and Labour Inspection

Another challenge posed by digitalization is the increasing use of technologies like camera surveillance, GPS in vehicles, and production monitoring to track employees, as well as the monitoring of keyboard or computer activity in administrative or service jobs. On some occasions, employees are monitored instantly and continuously through devices such as subdermal chips or digital wearables like watches, wristbands, eyeglasses, identification tags, or clothing like smart vests or gloves, which can track their every movement, health status and risks, heart rate and even their emotional states. Employers may use these monitoring devices for various purposes, including ensuring occupational health and safety, tracking working and resting hours, detecting physical location, preventing theft and losses, and overseeing the performance of the workers.

Digital monitoring can be beneficial in many aspects, especially in the field of occupational safety and health²¹⁹. For instance, wearable technologies can detect risks such as worker fatigue, distraction, illness and fainting in advance, providing early warnings that raise awareness and encourage workers to modify their behavior. Similarly, physiological responses such as sweating and heart rate, as well as stress levels detected through wearable technologies, can be monitored to prevent psychosocial risks. Furthermore, during the COVID-19 period in Türkiye, smart watch prototypes were developed to detect whether employees had been in contact with infected individuals, to monitor their isolation, and to ensure compliance with social distancing rules²²⁰.

However, excessive use of digital monitoring beyond its legitimate purpose can compromise personal data protection and privacy, potentially leading to increased workloads and mental health concerns. In some cases, employers may use digital monitoring as a tool for mobbing or the results of monitoring may be used as a basis for discriminatory practices. In terms of protecting personal data, it is considered that applications such as retina and facial scanning, fingerprint or palm measurement may not be appropriate for all types of work but could be used in areas requiring high security²²¹. Indeed, according to the Personal Data Protection Law No.6698, personal data may only be processed for specific, explicit, and legitimate purposes, and the processing must be relevant, limited, and proportionate to the purposes for which the data is processed (Art 4)²²². Accordingly, the measured use of monitoring technologies for legitimate purposes such as ensuring worker health and safety is considered lawful. However, the use of wearable technologies like subdermal microchips, which enable tracking and locating employees regardless of the purpose, is deemed unlawful even if the employee

219 Alp & Doğan, 2607. The Norwegian Labour Inspection Authority uses digital monitoring to assess the usage of electronic tools by employees. A positive application of digital surveillance is illustrated by hospital-at-home programs, where patients receive hospital-level care at home through digital monitoring and advanced communication technologies. This approach is particularly beneficial for children with cancer, who are ideally kept at home for their care (Foldal, 21).

220 Alp & Doğan, 2607-2609.

221 Alp & Doğan, 2610. Article 419 of the Turkish Code of Obligations stipulates that an employer may use an employee's personal data only for assessing their suitability for the job or to the extent necessary for the performance of the employment contract. Under the Personal Data Protection Law No. 6698, personal data cannot be processed without the explicit consent of the data subject. Since the use of wearable technologies by employees involves data processing, the employer must obtain the employee's explicit consent. Since the parties in the employment relationship are not considered to be in an equal position, the explicit consent given by the employee is sometimes viewed with suspicion. Accordingly, if the employee has not been adequately informed, if the opportunity to object has not been effectively provided, or if the employee is likely to face negative consequences at the workplace for refusing to use wearable technologies, it cannot be concluded that the consent is freely given (See, Alp & Doğan, 2617-2618).

222 There is an independent Personal Data Protection Authority in Türkiye, structured in accordance with the Council of Europe Convention No. 108 and EU Directive 95/46/EC. The Authority has several powers, including the ability to order the rectification of unlawful practices by data controllers upon complaint or ex officio, to issue principle decisions when similar violations are found to be widespread, and to halt data processing or data transfer abroad in cases where irreparable harm or clear illegality is evident.

gives consent or if it is stipulated in the contract, waiver is not possible²²³. Thus, the monitoring of employees through technological tools should be conducted in a way that prevents the violation of personal data protection, privacy, and anti-discrimination principles.

However, the rules and principles regarding this issue are not sufficiently known by the parties involved. Inspectors from Norway have recommended establishing clear guidelines and regulations in this regard and incorporating digital monitoring into inspections promptly²²⁴. Accordingly, employers, employees, and social partners should be informed about the appropriate use of digital surveillance, including its benefits and risks concerning occupational safety and health²²⁵. Thus, digital surveillance, both as a physical and digital workplace occupational risk, should be integrated into workplace inspections.

Similarly, in Türkiye, it might be considered to prepare an informative guide on workers' rights related to the issue, which would also serve as a reference for employers. Such a guide could enable the Ministry of Labour and Social Security to take a more active role in addressing risks associated with the subject, in collaboration and coordination with the Personal Data Protection Authority in Türkiye.

2.2.6 The findings of the survey results, focus group meetings and the interviews with experts in the area

Workplace compliance is essential for ensuring safe and productive working environments. As workplaces evolve with new technologies and new work models, compliance becomes increasingly complex. This section examines the challenges faced by various stakeholders in maintaining compliance with labour regulations in the context of the future of work and provides recommendations for improvement.

Data was collected from four key stakeholder groups; labour inspectors, workers' organizations, employers' organizations and private sector representatives through surveys, in-depth interviews and focus group discussions. This approach provided both quantitative and qualitative insights into the key issues and perspectives of each group and the questions for the surveys, interviews and focus groups were designed to assess the current situation and identify existing and emerging compliance risks in the context of the future of work, which focuses on how to position labour inspection in Türkiye to address these risks.

The research employed **three distinct methods**:

Face-to-face interviews

These interviews aimed to capture the perspectives of social partners on the role of labour inspection in the context of the future of work by employing both structured and semi-structured interview formats and questions tailored to workers' and employers' organizations (*Annex - In-depth Interviews and Focus Group Questions*). Diverse face-to-face interviews were conducted with senior representatives from the Turkish Confederation of Employer Associations (TİSK), the Confederation of Turkish Trade Unions (TÜRK-İŞ), the Confederation of Turkish Real Trade Unions (HAK-İŞ), and the Confederation of Progressive Trade Unions of Türkiye (DİSK) on 09.07.2024.

Online surveys

The surveys aimed to identify priority areas and collect data to generate evidence-based recommendations aligned with relevant literature. The four distinct online surveys were distributed to labour inspectors, workers' and employers' organizations, and private sector representatives. The questions were tailored to the specific roles of each group, containing both shared and distinct elements to

²²³ Alp & Doğan, 2607-2609.

²²⁴ Foldal et al, 20-21.

²²⁵ Foldal et al, 34.

address more general and specific issues. Labour inspectors were selected based on criteria such as gender distribution, working areas and tenure and duty stations in order to ensure diverse representation.

Surveys for social partners (the four confederations mentioned above and their member unions) were distributed through focal points interviewed at each confederation. Participation to surveys was voluntary and with no pre-selection, thus varying in number across confederations. Therefore, the survey results do not claim comprehensive representativeness, rather aim to serve for complementing the results of the face-to-face interviews.

Private sector surveys targeted industries where new forms of employment, such as teleworking, are most prevalent and distributed through focal points in each sector. These responses provided insights into sector-specific challenges, although they do not represent broad-based industry representation.

A total of 309 responses were received from labour inspectors, 86 from worker organizations, 9 from employer organizations, and 16 from private sector representatives. The survey participants from private sector representatives represented a broad range of sectors where new forms of work, such as remote working, are more prevalent, including telecommunications, banking, and information technology.

Limitations: The preparation and conduct of the surveys include the absence of open-ended questions due to the large volume of data and the need to simplify the data analysis process. Furthermore, the lack of open-ended questions may have had a guiding effect on participants. However, focus groups and in-depth interviews were used to mitigate this limitation and generate more insightful recommendations. Additionally, although the survey is distributed and reminders are sent multiple times across the target groups, response rates from some groups remain relatively low.

Focus group meetings

Two face-to-face and online meetings were conducted with labour inspectors. The in-person meeting took place with inspectors from the Ankara Group Presidency and Directorate, with 9 labour inspectors (6 women, 3 men) on 10.10.2024, and online meeting was conducted with 8 labour inspectors (1 woman, 7 men) from the remaining four group directorates (Bursa, İzmir, Adana, İstanbul) on 12.10.2024, to capture potential regional differences in perspectives, if any.

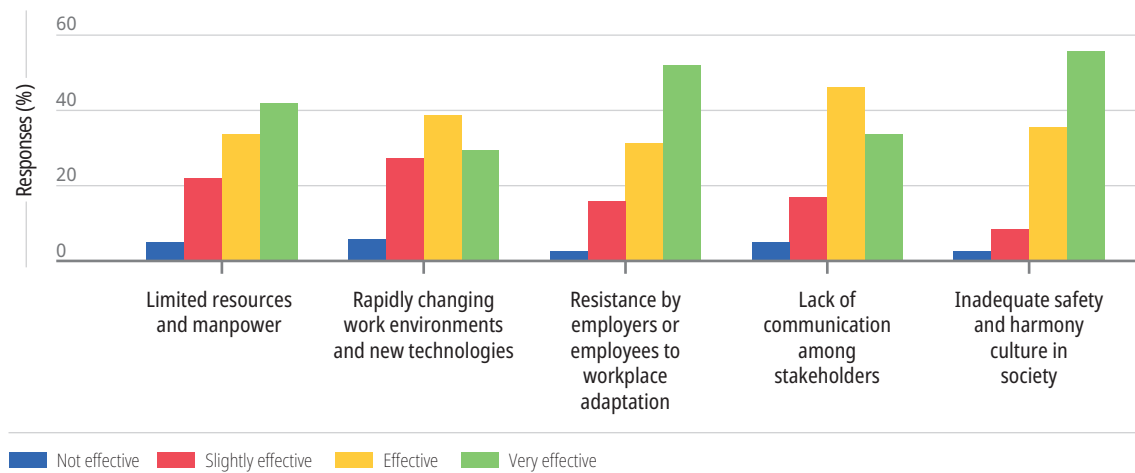
The findings from each methodology are summarized according to thematic issues to highlight the key issues that emerged from the research and the review of the existing literature.

2.2.6.1 The main challenges faced in ensuring workplace compliance

2.2.6.1.1 Perspective of labour inspectors

Findings of surveys

Labour inspectors' rating of main challenges on compliance with labour legislation is shown in Fig.1a and explained below with respected percentages of the participants:



► **Fig. 1a.** Impact of challenges on compliance with labour legislation.

- **Inadequate safety and compliance culture in society: 90% of respondents** consider this as a very significant barrier to compliance. This indicates that societal attitudes towards safety and compliance with labour law are weak, making it harder for labour inspectors to implement and maintain compliance with labour regulations.
- **Resistance or reluctance to workplace compliance by employers or workers: 83% of labour inspectors** find resistance to workplace compliance a very significant challenge. This resistance may stem from the lack of awareness regarding new labour laws or compliance practices, making it difficult to enforce regulations effectively.
- **Lack of communication among stakeholders: 79% of respondents** see a lack of communication as a barrier to compliance. Lack of communication between employers, workers, social partners can lead to misunderstandings or missed compliance deadlines, making it harder for organizations to follow labour legislation effectively.

Findings of focus group meetings with labour inspectors

In the face to face and online focus group meetings with the labour inspectors, the fundamental challenges in ensuring compliance with OSH regulations was identified as the lack of a strong OSH culture in society, as also indicated by the survey results. It was stated that the inspector's role is to monitor compliance with labour legislation and oversee the enforcement of laws, but that ensuring sustainability in this respect cannot be achieved solely through inspectors. The primary responsibility in this regard lies with employers. Occupational health and safety professionals, for their part, are responsible for detecting and recording deficiencies in the logbook as a means of informing the employer. It was emphasized that when there is lack of OSH culture in society, improvements brought about by inspections are often temporary. Once the inspector leaves the workplace, practices tend to revert to



their previous state. In this regard, the sustainability of compliance with regulations depends not on increasing the number of inspections but on fostering an OSH culture within society. Furthermore, it was mentioned that sectors and workplaces subject to scheduled inspections are selected based on risk assessments, which take into account factors such as hazard classes, workplace accident data, the number of workers and employers, and complaints received. These scheduled inspections contribute to enhancing the culture of compliance in workplaces.

On the other hand, it was noted that, from a legislative standpoint, the regulations are comprehensive, and inspectors are granted sufficient authority.

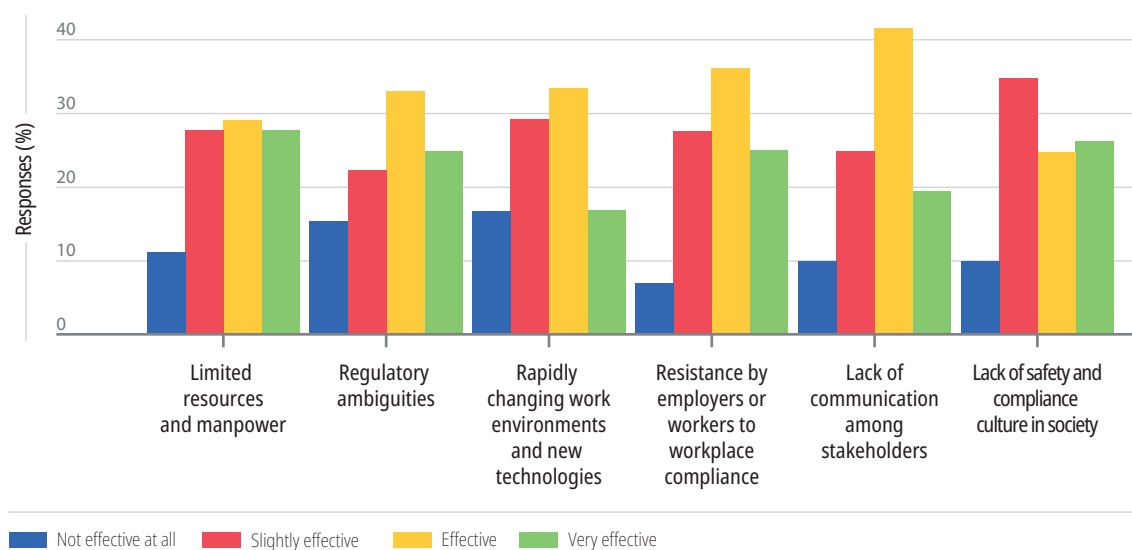
It was also expressed by labour inspectors that inspectors should be trained in effective and strategic communication skills, and resilience needs to be enhanced. The importance of psychological resilience, in particular, was highlighted, as communication tailored to the characteristics of the employer increases the likelihood of compliance. At this point, it was suggested that inspectors should receive psychological support, similar to that provided to police and military personnel, to cope with the psychosocial risks they themselves experience.

Another significant issue raised by all inspectors is that appeals against administrative fines must currently be filed with the criminal courts of peace, rather than with specialized labour courts. Inspectors are of the opinion that referring such cases to labour courts would be more appropriate and effective, as criminal courts may issue decisions that are inconsistent with labour law. They also expressed concerns about not being informed in advance about the appeals and the court rulings related to them, as they no longer receive this information.

2.2.6.1.2 Perspective of workers' organizations

Findings of surveys

Figure 1b depicts the the main challenges faced in effectively ensuring compliance with labour regulation with the corresponding rating percentages of the participants:



► **Fig. 1b.** Main challenges in ensuring compliance with labour regulations.

- **Limited resources and manpower:** 62% of respondents think that limited resources and manpower in general are significant challenges in complying with labour regulations.
- **Resistance by employers or workers to workplace compliance:** 62% of respondents see resistance by employers or workers as a significant challenge. While employers are primarily responsible for ensuring compliance in the workplace, the role of workers and regulatory bodies in fostering a culture of cooperation and accountability is also crucial.
- **Lack of communication among stakeholders:** 59% of respondents view lack of communication as a challenge. Communication gaps between key stakeholders are perceived as a considerable obstacle. Effective compliance often depends on clear communication, and this deficiency is a challenge to address labour regulation issues.

Overall, all the issues presented are seen as substantial challenges, with **50-62%** of respondents identifying each of these areas as problematic. This suggests that a combination of internal organizational issues (such as resources and resistance) and external factors (like societal culture) all play significant roles in making compliance difficult.

Findings of in-depth interviews

The representative of workers' organization, TÜRK-İŞ, highlighted that the Turkish labour market is characterized by high levels of informality, with the majority of businesses being small-scale and operating with limited capital, and minority employing 50 or more workers. Given the predominance of small and medium enterprises, inspections are critically needed, as preventive measures are often neglected due to cost concerns. However, in practice, the workload of the current labour inspectors is overwhelming. Businesses, though, must recognize that non-compliance with regulations can lead to significant future problems. Raising this awareness is key to achieving compliance. While it may not be feasible to assign an inspector to every workplace, a mechanism should be implemented to ensure all businesses are reached. Regional solutions at the city or district level could be explored. Although the law mandates the presence of occupational safety experts and physicians within enterprises, their dependence on employers may hinder their ability to perform their duties effectively.

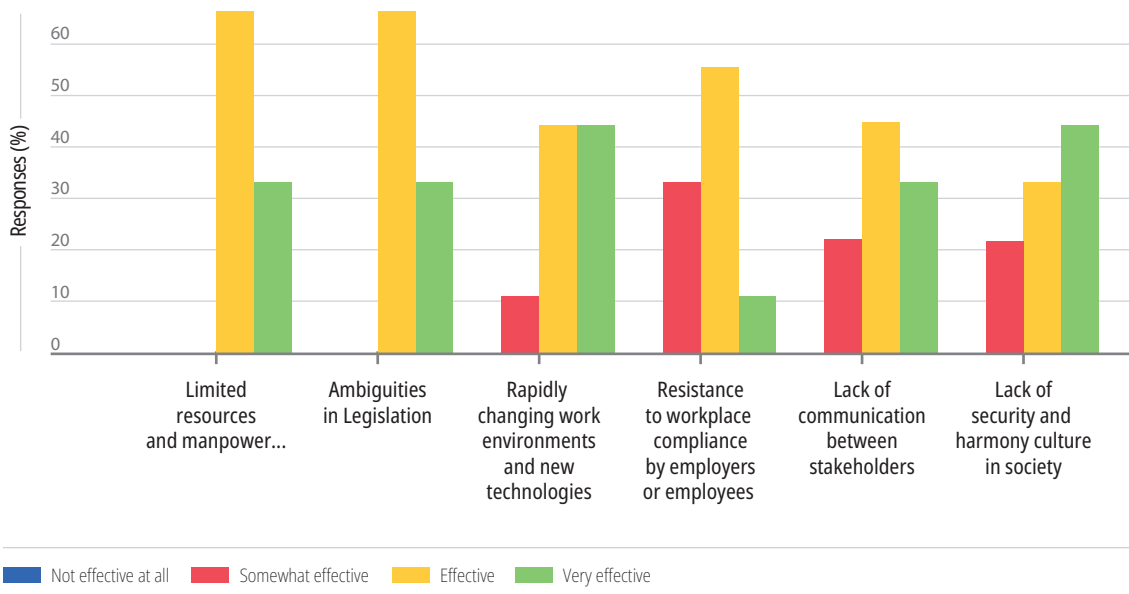
In the interview, the representative of the workers' organization, HAK-İŞ, identified one of the main challenges in ensuring workplace compliance as the inadequacy of administrative fines in terms of deterrence. As a result, employers may choose to pay the fines rather than comply with the regulations.

In the interview with the worker confederation, DiSK, it was highlighted that the lack of a long-term occupational health and safety policy are fundamental challenges in ensuring workplace compliance. It has been stated that fatal occupational accidents in Türkiye, along with the number of occupational accidents, continue to increase. It was stated that while Türkiye has ratified significant ILO Conventions related to this issue and established the necessary institutional frameworks, there are challenges in implementing the legislation effectively. Furthermore, it was emphasized that the number of labour inspectors should be increased.

2.2.6.1.3 Perspective of employers' organizations

Findings of surveys

According to employers' organizations, compliance with labour regulations is shaped by a number of factors and issues such as resource limitations, legislative ambiguities, and workplace dynamics present significant challenges (Fig. 1c).



► Fig. 1c. Main challenges to workplace compliance.

- **Limited resources and manpower:** 100% of employers' organizations acknowledge that limited resources and manpower are major factors in determining their ability to comply with labour legislation. 70% of them view it as a significant challenge that affects compliance ("effective"), and 30% see it as a very substantial factor. This highlights that employers often face resource constraints, which directly impact their ability to meet labour law requirements.
- **Ambiguities in legislation:** Again, 100% of employers' organizations consider ambiguities in labour legislation as key challenges to compliance. 70% feel that these deficiencies significantly impact the ability to comply, while 30% view it as a major hindrance.
- **Rapidly changing work environments and New Technologies:** 90% of employers' organizations see rapidly changing work environments and new technologies as major factors affecting their compliance with labour laws. 45% consider these changes to be a significant challenge ("effective"), while 45% see them as even more critical ("very effective"). It seems that employers are finding it challenging to adapt to the rapid pace of technological and workplace changes, making compliance more difficult.

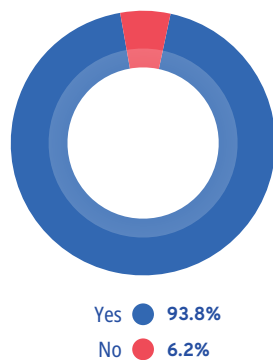
Employers' organizations consistently report that limited resources, legislative ambiguities, technological changes, safety culture, communication gaps, and societal attitudes are the main factors that hinder their ability to comply with labour legislation. These challenges must be addressed to improve overall compliance in the workplace, with a focus on better resources, clearer laws, and enhanced communication and culture around compliance.

Findings of in-depth interviews

In addition to the survey results, when employer organisations were asked about the main challenges in ensuring workplace compliance, they noted that differing interpretations between labour inspectors and the courts can sometimes lead to inconsistencies in practice.

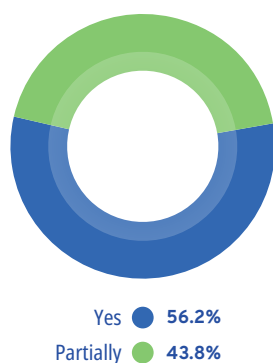
2.2.6.1.4 Perspective of private sector representatives

This group was asked several indirectly related questions regarding the topic and responses can be summarized as follows:



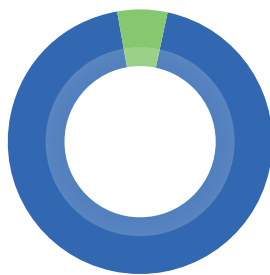
- **Findings and interpretation on the awareness of channels to report non-compliance with labour legislation:** While the vast majority of respondents (93.8%) are aware of reporting channels such as the ALO 170 hotline, a small percentage (6.2%) remain unaware (Fig. 1d(a)). Without full awareness of reporting mechanisms, workers in workplaces with poor compliance practices may feel powerless to address violations. This can be especially problematic in sectors where violations are more frequent or where workplace culture discourages reporting.

► Fig. 1d(a). Awareness of channels to report non-compliance with labour legislation.



- **Findings and interpretation on the awareness of labour inspectors' powers, duties, and scope of labour inspection:** Only 56.2% of respondents are fully aware of labour inspectors' powers, duties, and scope, while 43.8% have partial understanding (Fig. 1db)). This data suggests a moderate level of understanding among the participants about labour inspectors' roles. While more than half of the respondents have full awareness, the substantial minority with partial knowledge highlights the need for better communication about labour inspectors' functions.

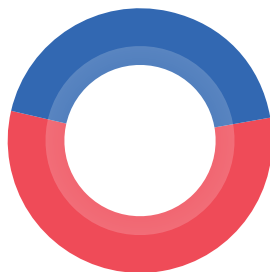
► Fig. 1d(b). Awareness of labour inspectors' powers, duties, and scope of labour inspection.



Yes ● 93.8%
Partially ● 6.2%

- **Findings and interpretation on the provision of regular information and training on workers' rights and occupational health and safety:** While 94% of respondents indicated that their workplaces provide regular information and training on workers' rights and OSH, a small but significant percentage do not receive such training (Fig. 1d(c)). This raises concerns not only about the availability of training (as a quantitative issue) but also about its effectiveness and relevance (as a qualitative issue). Inconsistent or inadequate training can undermine compliance with labour regulations, especially in high-risk sectors. Ensuring both the quantity and quality of training is critical to fostering a culture of compliance, empowering workers, and minimizing workplace risks.

► Fig. 1d(c). Provision of regular information and training on worker rights and OSH.



Yes ● 43.8%
No ● 56.2%

- **Findings and interpretation on the effect of active union membership on compliance with labour legislation:** A majority (56%) of respondents are doubtful about the effectiveness of active union membership in improving workplace compliance, while 44% believe unions play a positive role (Fig. 1d(d)). This division reflects varying perceptions of union influence and highlights the challenge of fostering stronger collaboration between unions and employers to ensure compliance.

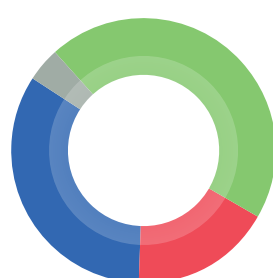
► Fig. 1d(d). Effect of Active Union Membership on Compliance with Labour Legislation.

2.2.6.2 The perception on role of the DoGI in enhancing workplace compliance

The DoGI enforces labour legislation while also engaging in guidance activities to help employers and workers better understand and meet their obligations. This section examines awareness levels and the perceived effectiveness of the DoGI's guidance role in enhancing workplace compliance.

2.2.6.2.1 Awareness levels regarding the general role of the DoGI in enhancing workplace compliance

Findings of surveys



a) Workers' organizations

Only about **33%** of respondents think that the members of the union are fully aware and **45%** are partially aware of the powers, duties, and scope of labour inspectors (Fig. 2a (a)). About 22% are either **unaware** (17.4%) or have **no idea** (4.3%) about labour inspection indicating a gap in knowledge. This suggests that there is room for improvement in communication and education in the roles and responsibilities of labour inspectors.

► Fig. 2a(a). Opinion on the degree of awareness of members about labour inspectors' powers, duties and scope of labour inspection: a) worker organisations.

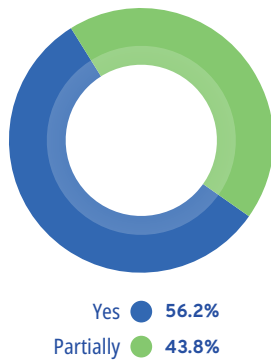


b) Employers' organizations: Awareness of members

There is a **mixed level of awareness** among employers' organizations regarding the powers and duties of labour inspectors. While some members are **well informed** (44.4%), the **majority are only partially informed** (55.6%) (Fig. 2a(b)).

► Fig. 2a(b). Opinion on the degree of awareness of members about labour inspectors' powers, duties and scope of labour inspection: b) employer organisations.

The fact that many members have only partial knowledge suggests that there is room for improvement in communication or guidance. A lack of full understanding may hinder cooperation during labour inspections and reduce both their effectiveness and the support they receive. Employers' organisations should focus on enhancing their members' knowledge of labour inspections through better information and regular updates on the role and scope of labour inspectors. This approach could lead to improved compliance, stronger support, and smoother interactions during inspections.



c) Private sector representatives: Awareness levels

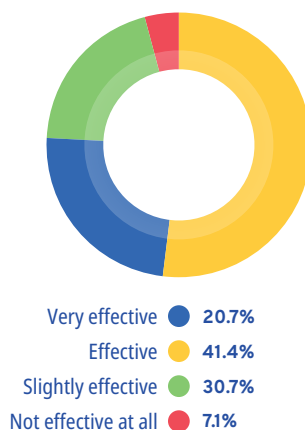
56.2% of participants reported that they are fully aware of the powers, duties, and scope of labour inspectors, while **43.8% have partial awareness (Fig. 2a(c))**. This data shows a **moderate level of understanding** among the private sector representatives. While more than half have a comprehensive understanding, the fact that nearly half have only partial knowledge suggests that there is still a need for better awareness and education. Efforts should be made to increase full awareness among all private sector representatives through targeted training programs and clearer communication on the role of labour inspectors. This can ensure more effective workplace compliance and cooperation during inspections.

- **Fig. 2a(c).** Opinion on the degree of awareness of members about labour inspectors' powers, duties and scope of labour inspection: c) private sector.

Overall, among workers' and employers' organizations, and private sector representatives, there is a moderate to high level of awareness of the role of labour inspectors, but there is still room for improvement in communication and education. By focusing on increasing full awareness through better training, guidance and information sharing, organizations can enhance compliance and facilitate better cooperation during labour inspections.

2.2.6.2.2 Perspectives on the effectiveness of the guidance role in enhancing workplace compliance

Guidance role, which involves providing technical information and advice to employers and workers on the most effective ways to comply with legal provisions, as emphasized in ILO Convention No. 81 (Art 3/1-b), is one of the crucial roles of labour inspection in Türkiye. In this section, the perceptions of the parties regarding this role will be presented.



Perspectives of labour inspectors

Regarding the effectiveness of the guidance role of labour inspectors in ensuring workplace compliance:

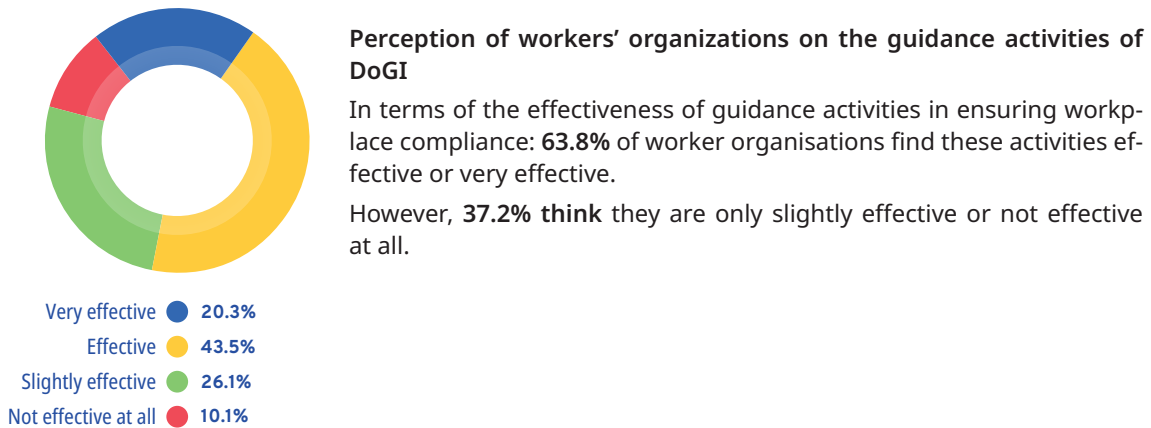
41.4% of participants believe it is effective.

20.7% find it to be very effective.

On the other hand, **30.7% consider little effectiveness**, and **7.1% believe it has no effect at all (Fig. 2b(a))**

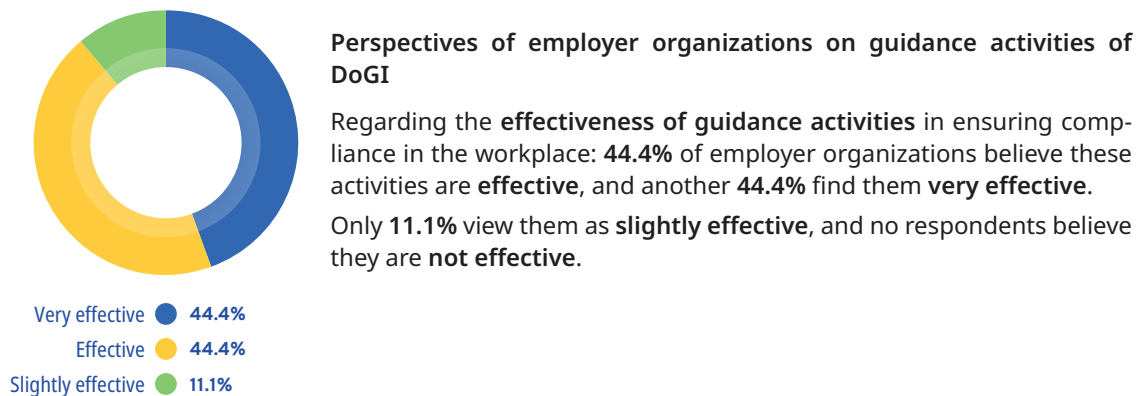
- **Fig. 2b(a).** Effectiveness of the guidance role of labour inspectors in workplace compliance.

Although a majority (**62.1%**) of labour inspectors view the guidance role as effective or very effective, a considerable portion (**37.8%**) believes the guidance role has little or no impact on workplace compliance. This reflects a mixed perception of the effectiveness of labour inspectors' guidance activities, suggesting that while many inspectors see value in their guidance efforts, others feel that improvements could be made to increase their influence on workplace compliance.



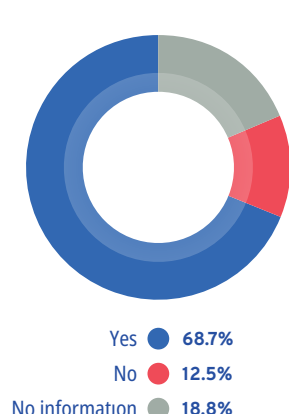
► **Fig. 2b(b).** Effectiveness of the guidance role of labour inspectors in workplace compliance.

While the majority of workers recognize the value of guidance activities, there is still some portion who believe these efforts are not as impactful as they could be. This indicates that although these activities are seen as beneficial, there may be room for improvement in how they are communicated to or understood by the workers' organizations.



► **Fig. 2b(c).** Effectiveness of the guidance role of labour inspectors in workplace compliance.

The majority of employer organisations view guidance activities as beneficial for maintaining compliance in the workplace. These activities help employers better understand and implement legal requirements, fostering a proactive approach to compliance. The absence of respondents who view guidance activities as ineffective indicates a strong consensus among employers on the importance of this approach in enhancing workplace compliance.



Private sector representatives: Strengthening labour inspection and guidance activities to address OSH risks

To clarify the role of DoGI's guidance activities in the context of the future of work, private sector representatives were asked whether labour inspection and guidance activities should be enhanced to promote the prevention of occupational diseases—such as musculoskeletal and cardiovascular disorders—associated with sedentary work, as these are increasingly recognized in the literature as escalating risks in emerging forms of work.

The **majority of respondents** favour strengthening these activities (**69%**). A **portion of respondents** either lacks information (**18.8%**) or do not believe such measures are necessary (**12.5%**).

► **Fig. 2b(d).** Support for strengthening labour inspection and guidance activities to prevent occupational diseases from sedentary work.

The majority of private sector representatives support strengthening labour inspection and guidance activities to address the OSH risks posed by evolving work models (e.g., sedentary work). However, the existence of a minority who are either uninformed or do not see the necessity for these actions highlights the importance of promoting awareness and prevention strategies. Targeted educational initiatives and preventive measures can help mitigate the long-term health risks associated with sedentary work, ensuring a proactive approach to workplace health and safety.

Findings of in-depth interviews and focus group meetings

In face-to-face interviews, in line with the findings of the surveys, it was noted by inspectors that the role of workplace inspections is not sufficiently globally recognized. However, it was emphasized that labour inspectors have a highly significant role, and that awareness and visibility in the world of work regarding this matter could be enhanced through more effective use of communication tools, particularly social media.

Employer organization, TİSK, has stated that the guidance and enforcement role enhance the effectiveness of workplace inspections and that using their authority for corrective measures, in addition to imposing administrative fines, boosts the institution's credibility. Representatives also highlighted that systems that reward, recognize, and incentivize good practices in occupational safety and health (OSH) receive a great deal of interest and enhance motivation for compliance. For example, the "White Flag" program, which was once implemented by the Ministry of Labour and Social Security to recognize members who demonstrated good OHS practices, was said to have boosted their motivation. However, due to various concerns, the Ministry later decided to discontinue the program.

Different perspectives have emerged regarding the effectiveness of the guidance role of workplace inspections. The workers' organization, TÜRK-İŞ considers the guidance role of labour inspection to be important because, although it is often assumed that employers know everything about labour law, this does not reflect reality. Therefore, the guidance role contributes to increasing employers' knowledge. On the other hand, another workers' organization, DİSK, criticized the guidance role of workplace inspections. DİSK emphasized that the system has evolved into one where the role of labour inspectors has increasingly focused on guiding employers rather than imposing sanctions, particularly within the broader context of a labour market shaped by insecure and flexible work arrangements.

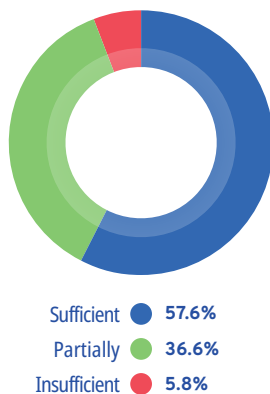


2.2.6.3 Communication, collaboration, and coordination between the stakeholders in workplace compliance

Effective communication, collaboration, and coordination between the Directorate of Guidance and Inspection and social partners are critical to ensure workplace compliance in Türkiye. These interactions are essential for addressing labour issues, enhancing safety standards, and fostering productive working environments. This section explores the perspectives of different stakeholders—labour inspectors, and workers' and employers' organizations—regarding the adequacy of communication and collaboration efforts. It emphasizes the importance of regular dialogue, mutual understanding, and clear communication channels in maintaining labour law compliance.

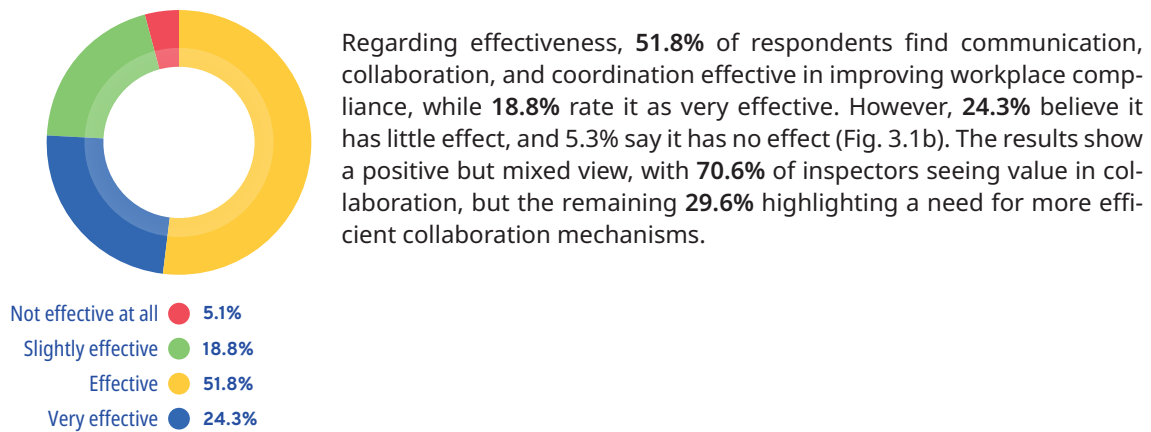
2.2.6.3.1 Perspectives of labour inspectors

Findings of surveys



Regarding adequacy, **57.6%** of participants believe communication between labour inspectors and workers' and employers' organizations is sufficient in quantitative terms. However, **36.6%** feel it needs improvement, and **5.8%** find it insufficient (Fig. 3.1a). While the majority perceive communication as adequate, a significant portion believes there is room for improvement, suggesting that some communication channels may be inconsistent or unclear, impacting effective collaboration.

► Fig. 3.1a. The communication adequacy between the worker and employer organisations



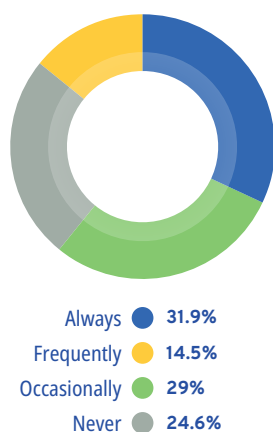
► **Fig. 3.1b.** Effectiveness of communication, collaboration and coordination between the Directorate of Guidance and Inspection and social partners.

Findings of focus group meetings

In face-to-face and online focus group meetings with labour inspectors, it was noted that communication and collaboration with social partners are slightly weak. Labour inspectors, however, emphasized that ensuring workplace compliance cannot be achieved solely through labour inspections. They highlighted the necessity of communication and collaboration with all relevant stakeholders, including social partners, industry leaders, professional organizations, and non-governmental organizations. In this context, they stated that an online Labour Inspection Academy Platform (DoGI Academy) could serve as a valuable tool. As part of the digitalization process within the DoGI, this Platform will be aimed at strengthening social dialogue has been initiated. The DoGI Academy aims to be a digital learning management system designed to enhance the guidance role of the Board and strengthen social dialogue. In addition to training labour inspectors, the Academy will also offer training programs for social partners. Furthermore, using this system's infrastructure, larger sectoral and/or general meetings and workshops, bringing together social partners, academics, and relevant departments of the Ministry, can be organized. Prior to on-site inspections, workshops addressing issues related to the parties involved can be held, increasing sectoral awareness. As part of a project, the "Strategic Compliance Planning" model developed by the ILO is being worked on, and it was noted that sectoral meetings, such as those that define the scope and targets of inspections before they begin, can be effective in this regard. Under the ILO's concept of "Strategic Compliance", it was also stressed that maintaining communication with trade unions in the region, exchanging ideas with stakeholders, and collaborating with the judiciary are essential. Indeed, if employers voluntarily comply with the rules, aided by the awareness efforts of trade unions, the task of labour inspection will become easier and more effective. It was noted that strengthening trade unions in general, and raising their awareness is also crucial.

2.2.6.3.2 Perspectives of workers' organizations

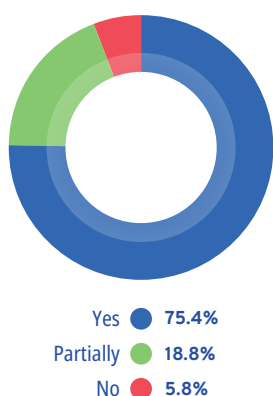
Findings of surveys



a) Frequency of collaboration with the directorate of guidance and inspection:

The level of engagement varies, with some respondents always (32%) or frequently (14.5%) involved in compliance efforts, while others report occasional (29%) or no involvement (25%) (Fig. 3.2a).

► Fig. 3.2a. Collaboration frequency between Trade Unions and the Directorate of Guidance and Inspection.



b) Communication and coordination with employer organizations on worker protection:

The majority communicate and coordinate with employers on worker protection issues (75.4%), but 25% report partial or no coordination (Fig. 3.2b). While most organizations have **strong communication**, gaps still exist, indicating that some workplaces could benefit from **more structured collaboration** to protect workers more effectively.

► Fig. 3.2b. Coordination with employer organizations on worker protection issues.

c) Lack of communication as a challenge in compliance with labour legislation:

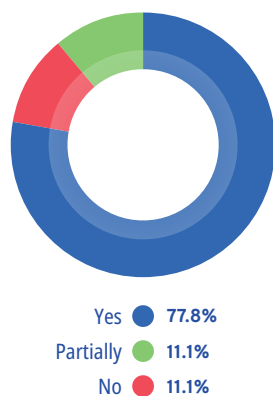
59% of respondents view lack of communication among stakeholders as a major challenge to compliance (refer to Fig. 9. Main challenges to workplace compliance). Poor communication between key stakeholders remains a significant barrier to effective compliance.

Findings of in-depth interviews

In face-to-face interviews with workers' organizations, it is stated that social dialogue is insufficient, needs to be enhanced and conducted regularly. It is emphasized that addressing issues related to working life cannot be considered independently of social partners; and they are not a separate entity as worker organisations but rather direct stakeholders in these matters. They consistently stressed the importance of being involved in legislative processes from the beginning, contributing insights and perspectives. All worker organizations also consider the Labour Assembly to be important but believe it should be more functional. The effective implementation of social dialogue and participation mechanisms already outlined in the law will be essential for resolving the issues.

It was also noted that the National Occupational Health and Safety Council used to meet at least twice a year and function effectively, but this has not been possible since 2018²²⁶. Attention was drawn to structural issues concerning its current administrative framework. According to the representative, effective implementation of social dialogue and participation mechanisms in the law would also be crucial for resolving the issues on labour inspection. Moreover, the presence of an organized union in the workplace establishes the first level of support for the union's training of its members, thereby enhancing the role of labour inspection.

2.2.6.3.3 Perspectives of employers' organizations



a) Communication and coordination with workers' organizations:

The majority (78%) of employers' organizations have established communication with worker organizations, but some report partial or no engagement (11%) (Fig. 3.3a). Addressing these barriers could provide opportunities to enhance communication and foster stronger collaboration, ultimately contributing to better workplace relations and compliance with labour standards.

► Fig. 3.3a. Current communication and coordination with worker organizations on labour issues.

b) Lack of communication as a challenge in compliance with labour legislation:

- 78% of employers' organizations cite **the lack of communication** between stakeholders (employers, workers, regulatory bodies) as a major issue. Of these, 45% see it as a significant factor, and 33% view it as critical. (refer to Fig. 10)
- **Communication gaps** remain a significant obstacle, and effective collaboration between stakeholders is key to resolving labour compliance challenges.

2.2.6.4 The perspectives of stakeholders on issues affecting the future of work

The ongoing rapid evolution of the global labour market, driven by advancements in technology, shifting demographics, and changing work models, has prompted a variety of responses from key stakeholders in Türkiye. Each group—labour inspectors, worker and employer organizations, and private sector representatives—brings a unique perspective to the challenges and opportunities that lie ahead. This section explores how these stakeholders view critical issues such as the impact of automation, the rise of remote work, the persistence of unregistered labour, and the growing importance of environmental sustainability. By examining these topics, we gain insight into the diverse concerns and priorities that will shape the future of working life in Türkiye, along with tailored recommendations to address these emerging trends effectively.

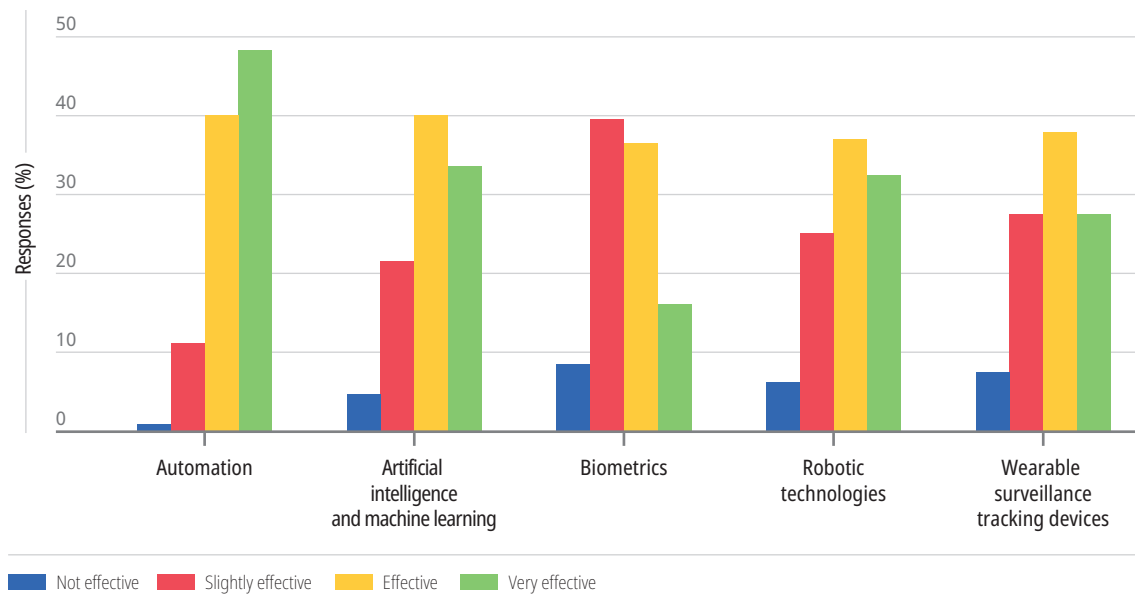
²²⁶ A circular no. 32933 by the Presidency regarding the re-establishment of "National Occupational Health and Safety Council" was published in the Official Gazette on 21st of June 2025. According to the circular, the Council will meet at least once a year.

2.2.6.4.1 Perspectives of labour inspectors

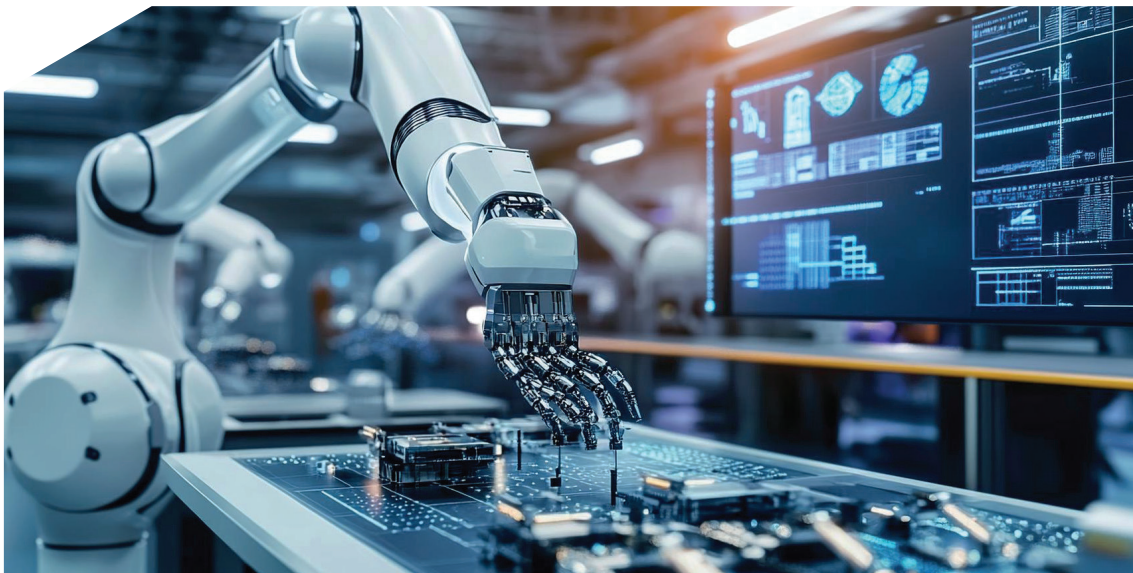
Findings of surveys

a) Impact of new technologies in workplaces on working conditions:

New technologies such as **automation (88%)**, **AI and machine learning (74%)**, and **robotic technologies (69%)** are seen as highly impactful in transforming working conditions in Türkiye. **Wearable tracking devices (65%)** and **biometrics (52%)** are also noted though with more mixed views (Fig. 4.1a). It is important to note that these perceptions may vary based on the respondents' familiarity with and understanding of these technologies. These findings suggest the need for robust frameworks to address such issues as these technologies continue to shape the workplace. Nonetheless, findings can be interpreted as labour inspectors acknowledge the significant role that **automation and AI** play in reshaping the workforce.

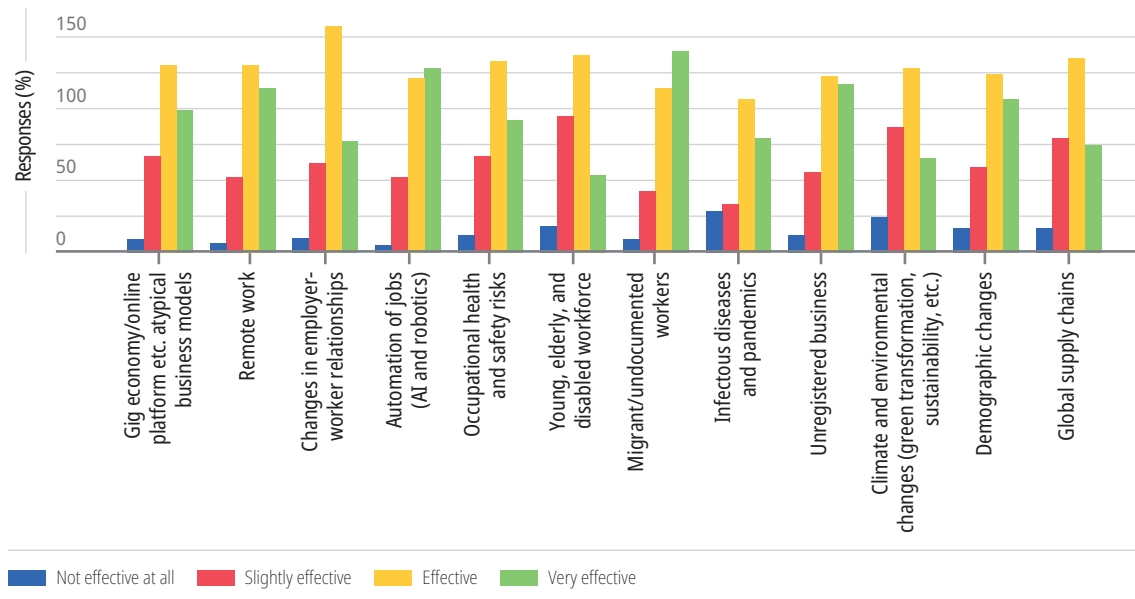


► Fig. 4.1a. Impact of new technologies on new working conditions in Türkiye.



b) Topics affecting future of work life in Türkiye:

The top five issues include inclusivity in the workforce (young, elderly, and disabled), migrant/undeclared workers, automation, remote work, and unregistered work. Labour inspectors emphasize the importance of addressing vulnerable groups in the workforce. This may be interpreted as ensuring that new technologies are integrated while considering their potential to marginalize certain populations.



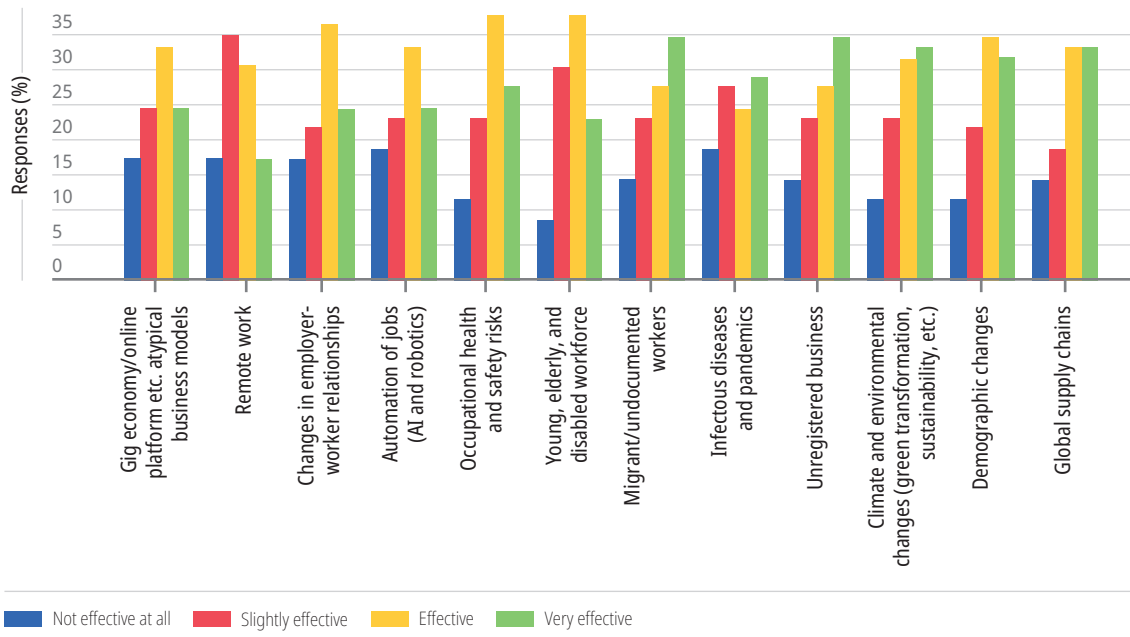
► Fig. 4.1b. The impact of topics affecting/will affect future working life.

2.2.6.4.2 Perspectives of workers' organizations

Findings of surveys

a) Topics affecting future of work life in Türkiye:

The top issues affecting working life according to worker organizations include the **gig economy/online platforms (59%)**, **changes in employer-worker relationships (62%)**, and **automation (62%)** (Fig. 4.2). These indicate concern about atypical work models, evolving workplace dynamics, and the impact of new technologies on job security. Worker organizations appear particularly concerned about the growth of precarious work in the gig economy and how automation might replace jobs traditionally held by humans.

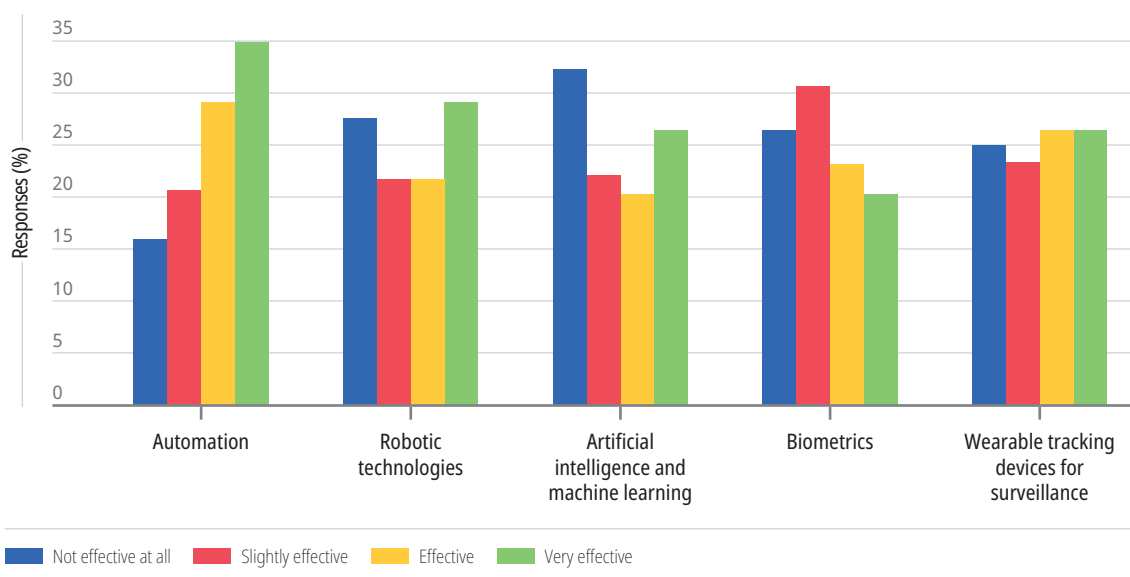


► Fig. 4.2. Ranking the issues affecting/will affect working life in Türkiye.

However, these findings also suggest gaps in current labour frameworks, such as the lack of adequate protections for gig workers or measures to address the rapid adoption of automation.

b) Impact of new technologies in workplaces on working conditions:

Automation (63%), robotic technologies (58%), Wearable tracking devices (54%) and AI (52%) are perceived as highly impactful on working conditions, signaling growing awareness among workers about the influence of these technologies on job roles and workplace environments (Fig. 4.3). This may be interpreted as that while workers recognize the efficiency gains from technology, they also highlight **job displacement** and the need for **reskilling** to adapt to the new work environment.



► Fig 4.3. The impact of new technologies on working conditions in Türkiye.

Findings of in-depth interviews

In the interview with representatives from Türkiye's largest workers' organization, TÜRK-İŞ, they expressed that they are not opposed to flexibility for skilled and educated workers—those who can manage their own flexibility, such as software developers, doctors, and academics. However, they are strongly hesitant about the insecure flexible working conditions for minimum wage workers. They explained that for unskilled workers, remote working often leads to excessive work beyond the weekly hours. Additionally, issues such as the blending of work and personal life in remote work can cause psychological problems. Many workers in Türkiye are unable to even take their entitled weekly rest days. Therefore, measures need to be taken to address these issues, including the regulation of working hours. Furthermore, it was emphasized that labour inspectors must be well-versed and trained in new working modalities.

Despite the increasing use of robotic technologies in large companies, and the expectation that this trend will continue, With the emergence of new work models, new risks and occupational diseases are likely to arise, making it necessary to be proactive in addressing these challenges. Despite the increasing adoption of robotic technologies in some large companies, this trend is not yet widespread across all sectors. The workforce involved in programming and maintaining these technologies tends to be highly skilled and relatively well-paid, which may mitigate some traditional occupational risks associated with lower-skilled roles.

However, with the emergence of new work models and the integration of robotics, new types of occupational risks and diseases may still arise, particularly in industries where robotics interact with less specialized roles or are combined with atypical work arrangements. This underscores the necessity of a proactive approach to identifying and addressing these challenges through targeted risk assessments, training programs, and updated occupational safety frameworks. Attention was drawn to the fact that we are not adequately prepared for psychosocial risks, which can be difficult to prove as work-related. These risks often manifest after a certain period rather than immediately.

Workers' organization, HAK-İŞ, expressed their expectation that flexible working models will become more widespread with advancing technology. While they are not opposed to these working models in principle, they emphasized their support for flexicurity. Additionally, the representative highlighted the difficulties faced by part-time workers in accessing benefits tied to social security contributions, such as retirement pensions or unemployment benefits. In the interview, representatives emphasized that while digitalization is inevitable, measures must be taken to protect labour and human dignity. They noted that the workers they represent are primarily engaged in physically demanding jobs and have not yet been directly impacted by digitalization, but they expect to be affected in the near future. They also expressed concerns about workplace surveillance through digital applications, warning that if the principle of proportionality is not adhered to, violations of personal data may arise. The representatives stressed the importance of safeguarding human dignity and ensuring decent working conditions in the face of digitalization.

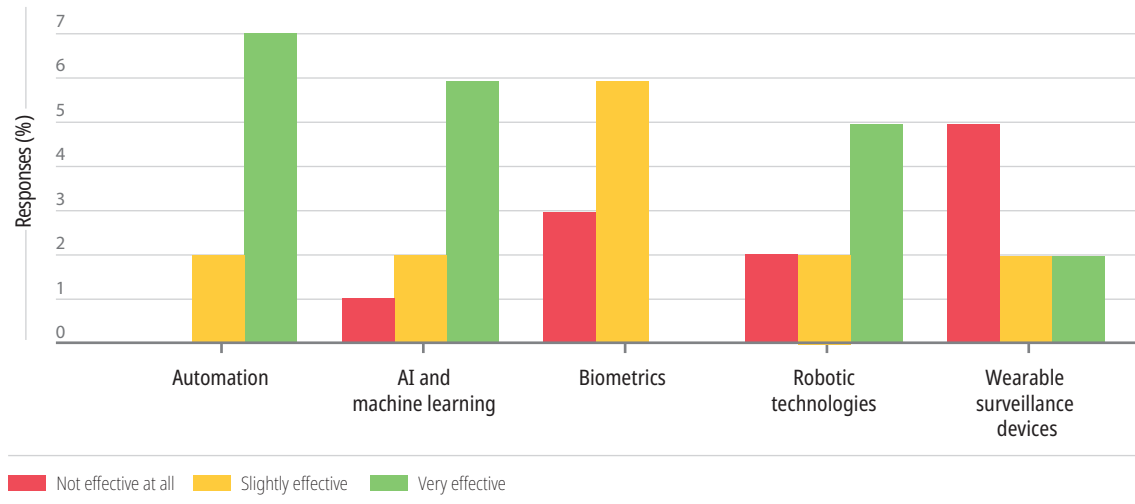
The workers' organization, DİSK, stated that issues such as subcontracting, insecurity, lack of unionisation, low wages, and long working hours remain unresolved in Türkiye. It was also noted that remote work has not yet become a widespread business model in Türkiye, and that there are no significant occupational health and safety measures associated with remote work, rather than already existing ones.

2.2.6.4.3 Perspectives of employers' organizations

Findings of surveys

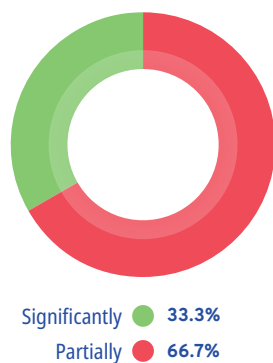
a) Impact of new technologies on working conditions in Türkiye:

New technologies such as **automation (90%)**, **AI and machine learning (89%)**, and **robotic technologies (78%)** are seen as highly impactful in transforming working conditions in Türkiye.



► Fig 4.4. Impact of new technologies on working conditions in Türkiye.

b) Extent of integration of new technologies in business processes in Türkiye:



66.7% of respondents believe businesses in Türkiye have only partially integrated new technologies, while 33.3% think they are significantly integrated. (Fig. 4.5). Although many businesses have started to adopt **automation, AI, and robotics**, full integration of these technologies into all business processes has not yet been achieved. This suggests that employer organizations believe that there is **room for improvement** in fully realizing the potential of digitalization, automation, and AI in Türkiye.

► Fig. 4.5. Extent of Integration of New Technologies in Business Processes in Türkiye.

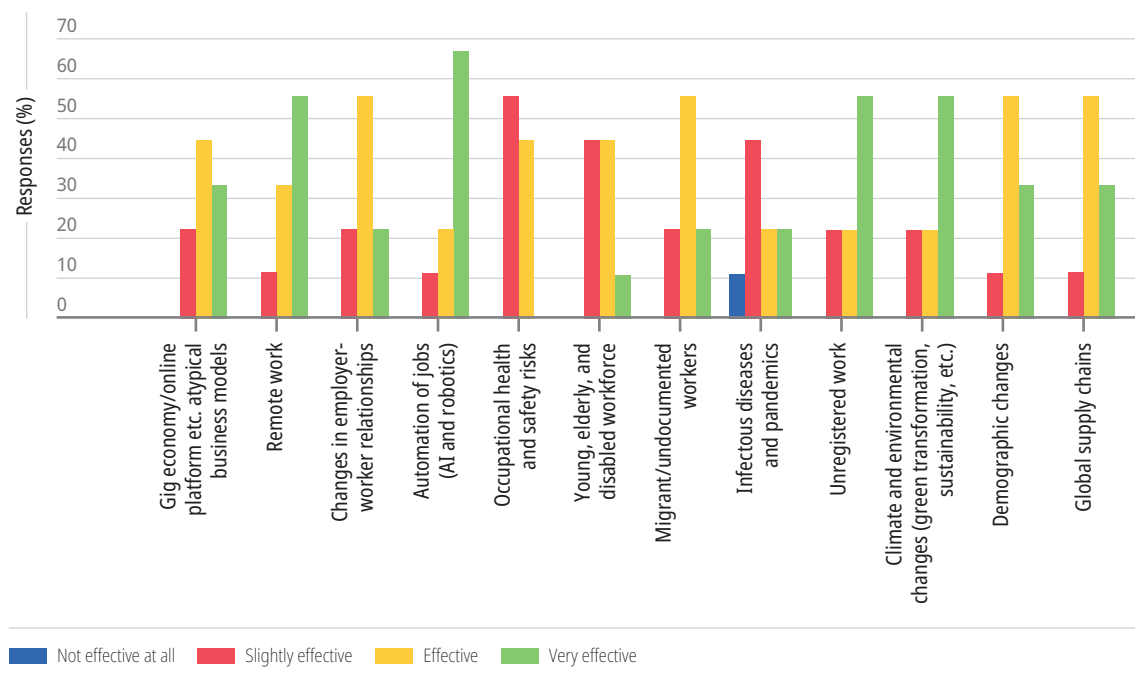
c) Impact of topics affecting future work in Türkiye:

Fig. 4.6 presents insights into the key factors that stakeholders believe will significantly influence the future of work in Türkiye. Employer organizations, in particular, have identified several critical topics, which are ranked in terms of their perceived impact.

The top issues affecting working life according to employer organizations include the automation of jobs (89%)²²⁷, remote work (78%), unregistered work (78%), climate and environmental changes (78%) and gig economy and atypical work models (78%). This may be interpreted as employer organizations

²²⁷ Percentages reflect participants who rated the effect as either 'very effective' or 'effective'.

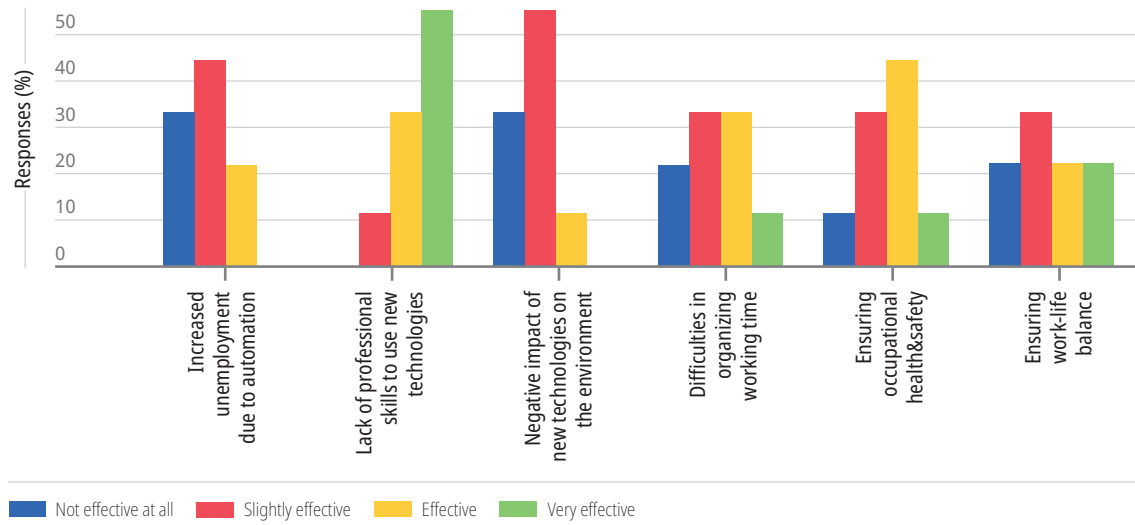
anticipate that automation will play a crucial role in reshaping job roles and workforce structures. As AI and robotics take over repetitive tasks, businesses will see increased efficiency and cost savings, but this will also bring challenges such as job displacement and the need for reskilling workers. Moreover, the COVID-19 pandemic has accelerated the adoption of remote work, which has now become a permanent feature in many industries. However, it presents challenges, such as maintaining productivity, ensuring cybersecurity, and managing worker engagement. Also, employer organisations acknowledge the need to formalize employment relationships to ensure compliance and improve overall workforce conditions. Green transition and the push for sustainability are becoming increasingly important for businesses. Employers understand that climate change will influence not only their operational practices but also future job creation in industries like renewable energy and sustainable agriculture.



► Fig. 4.6. Impact of topics affecting/will affect future of work.

d) Challenges posed by new technologies in workplaces:

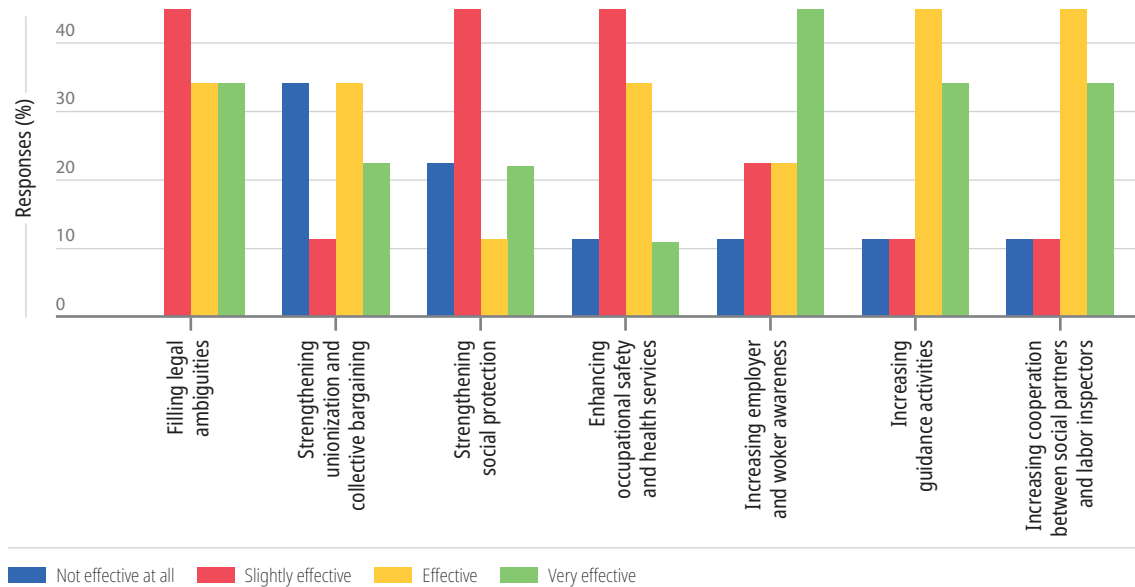
The lack of professional skills to use new technologies is the most significant challenge identified by 89% of employers' organizations. This can be interpreted as that employers recognize a **skills gap** as a major barrier to fully leveraging new technologies. Difficulties in **organizing working hours** (45%) and ensuring **occupational safety and health** (55%) are moderate concerns. This may be due to the fact that new technologies change work processes, traditional approaches to **managing work schedules** may no longer apply, and **safety and health standards** need to be updated to address risks associated with automation and digital tools. Concerns about **increased unemployment** due to automation and **work-life balance** are less significant, with varied opinions. While some employers are concerned about **job displacement** due to automation, this issue may not yet be fully realized.



► Fig. 4.7. Impact of new technologies on various workplace issues.

e) Effectiveness of measures to address negative impacts of new work models:

Measures such as **increasing guidance activities** (78%), enhancing **cooperation** between social partners and labour inspectors (78%), **increasing awareness** (%67) among employers and workers and **filling legal ambiguities** (%67), **strengthening unionization** and **collective bargaining** (%56) are seen as moderately effective. (Fig. 4.7). Employers understand that **increasing guidance activities**, **awareness campaigns** and **cooperative efforts** are critical in managing the risks posed by new work models, such as **remote work** or **gig economy roles**.



► Fig. 4.8. Effectiveness of measures to address negative impacts of new work models.

Overall, employers' organizations recognize the transformative potential of automation, AI, and other new technologies in improving efficiency and productivity. However, they also face challenges, including a skills gap, concerns about privacy, and the need to adapt health and safety protocols to new work environments.

Findings of in-depth interview

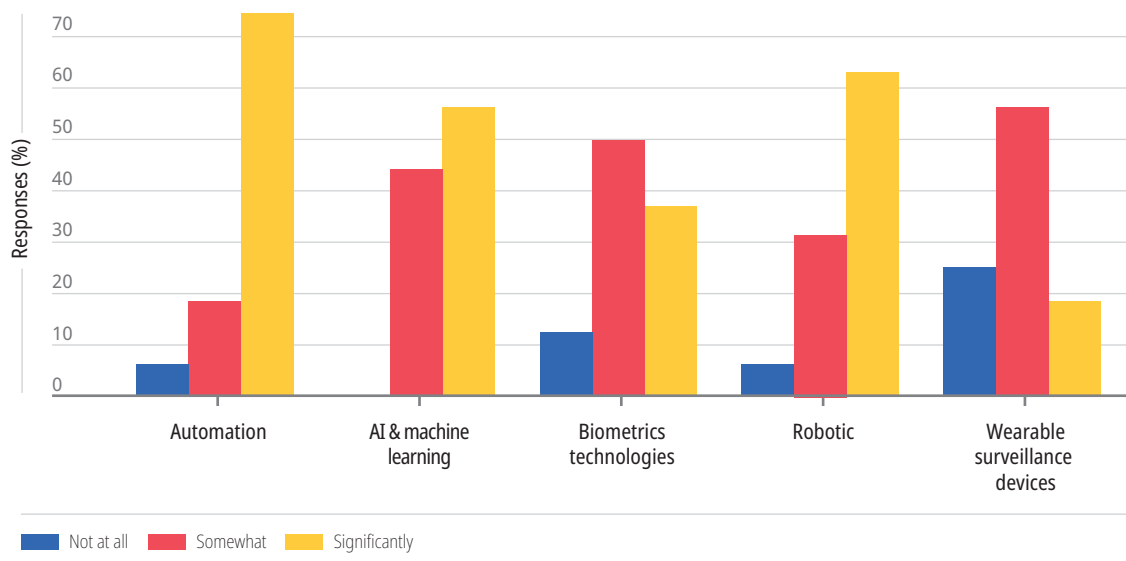
In addition to the above findings, in the meeting with the employers' organization, it was expressed that flexible work models like remote work have now become part of our lives, and necessary regulations should be implemented without waiting for court rulings. The concept of "secure flexibility" was highlighted, noting that flexible work models were also discussed in the 13th Labour Assembly and included in the Medium-Term Plan. These models are considered crucial for youth and women's employment, and employers value them for enabling more efficient management and balancing supply and demand more effectively.

The employers' organization, TİSK, pointed out that the primary issue with atypical work models is the erosion of a sense of belonging to the workplace among workers, leading to high job turnover rates. They also suggested that implementing an official system to track working hours for online platform workers would be beneficial. For example, a digital system where approval for overtime is required before work begins could be introduced as a supporting labour inspection tool.

2.2.6.4.4 Perspectives of private sector representatives

a) Integration of new technologies into business processes:

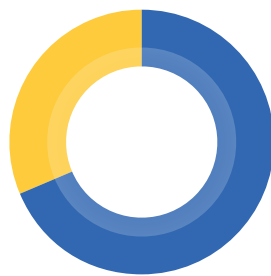
Most of the respondents report that **automation (73%)**, **robotics (62%)** and **AI (57%)** are significantly integrated into business processes. However, **wearable surveillance devices and biometrics** are only partially integrated (Fig. 4.9).



► Fig. 4.9. Extent of workplace integration of new technologies into business processes.

While these findings suggest that the private sector is increasingly adopting automation and robotics, the mention of AI's significant integration may reflect respondents' perceptions rather than its actual prevalence. In reality, AI applications remain limited in many industries and are primarily concentrated in high-tech sectors. This cautious integration of wearable and biometric technologies might also reflect concerns about privacy, costs, or operational readiness. These observations highlight the need for further analysis to understand the specific contexts in which these technologies are being adopted and the factors influencing their uptake.

b) Impact of new technologies on working conditions:

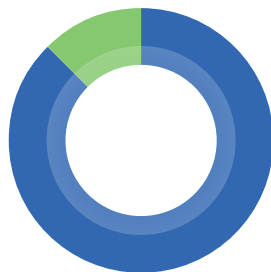


All respondents (100%) generally acknowledge that new technologies are **effective** in altering working conditions but feel that their **full potential is not yet realized** (Fig. 4.10).

► Fig. 4.10. Perceived impact of new technologies on changing working conditions

This perception may stem from several factors, including the incomplete adoption of advanced technologies across all sectors, insufficient infrastructure or investment, and a potential skills gap in the workforce required to maximize their use. Additionally, concerns about costs, integration challenges, or resistance to change within organizations might limit the transformative impact of these technologies. These findings suggest that while the potential of new technologies to enhance working conditions is recognized, further efforts are needed to address these barriers and fully leverage their benefits.

c) Impact of remote and flexible work on worker engagement:



Most respondents (87.5%) believe that integrating **remote and flexible work models** will improve worker engagement and commitment, though some think the impact may be limited. (Fig. 4.11). Overall, private sector employers are optimistic about the potential of **remote and flexible work** to increase worker satisfaction but recognize the need for broader strategies to sustain long-term worker engagement.

► Fig. 4.11. Impact of integrating remote and flexible work models on worker preferences and commitment.

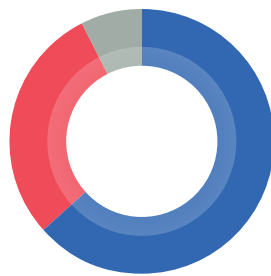
2.2.6.5 Risks brought by new work models

As workplaces increasingly adopt new work models such as remote work, flexible hours, and digital platforms, they bring with them a host of unique risks and challenges. While these models offer greater flexibility and efficiency, they also introduce or accelerate concerns related to occupational health and compliance with labour laws. From psychosocial risks like stress, isolation and musculoskeletal disorder risks to uncertainties in worker-employer relationships, the shift towards these modern work arrangements requires a reevaluation of traditional safety, health, and regulatory frameworks. This section delves into the risks associated with these evolving work models and examines their implications for labour inspectors, employers, and workers alike and provides recommendations.

2.2.6.5.1 Perspectives of labour inspectors

Findings of surveys

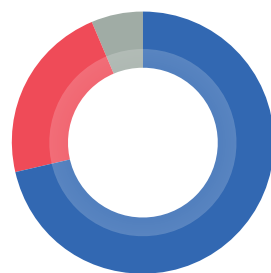
a) New or increasing occupational health issues and suggested measures:



64% of labour inspectors think that **remote work may lead to psychosocial risks** like stress, anxiety, and depression due to poor communication, physical and social isolation, and uncertainties in working conditions (Fig. 5.1a). These risks could contribute to non-compliance if employers fail to provide a safe and healthy work environment, highlighting the need for clear guidelines on the issue.

Yes ● 63.5%
No ● 29.1%
I don't know ● 7.4%

► Fig. 5.1a. Opinions on the relationship between remote work and potential psychosocial risks.



71.5% of respondents believe that strengthening inspection and guidance activities is necessary to prevent occupational diseases and accidents linked to new work models. However, 22.3% think the current inspection level is adequate (Fig. 5.1b). There is strong support for increased focus on health risks associated with sedentary work in remote environments. The smaller group may believe that these health risks should primarily be addressed more effectively by the employer, as it is primarily their responsibility.

Yes ● 71.5%
No ● 22.3%
I don't know ● 6.2%

► Fig. 5.1b. Perceptions on strengthening inspection and guidance activities to prevent occupational disease in new work models.

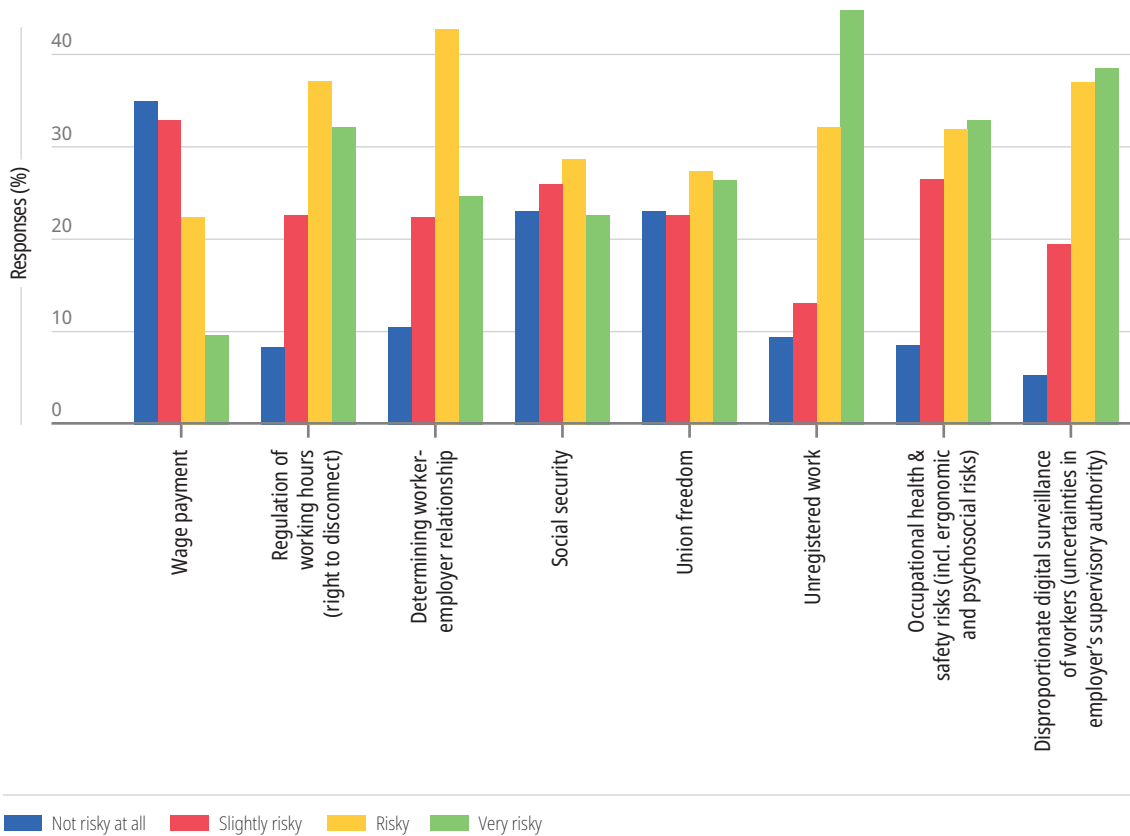
b) Risks in ensuring workplace compliance:

Compliance with labour legislation in the context of atypical work models

- **Undeclared work:** A total of 77% of the respondents sees unregistered or informal work as a critical risk (45% **very risky** and 32% **risky**), reflecting widespread concerns over the lack of protection and rights in informal employment.
- **Disproportionate digital surveillance of workers (Uncertainty of supervisory authority):** Majority (79%: 39% **very risky** and 37% **risky**; 37%) of the respondents see digital surveillance as a very serious issue, particularly regarding privacy and oversight in remote work setups.
- **Regulation of working hours (Right to disconnect):** A large percentage (69%: 32% **risky** and 37% **very risky**) sees the inability to disconnect from work, especially with flexible/remote working. Significant concern remains about managing work hours and enforcing boundaries.
- **Occupational health & safety:** Majority (65%: 33% **very risky** and 32% **risky**) of respondents sees occupational health and safety risks as critical, particularly in non-standard work environments.

- **Determining the employer-worker relationship:** The biggest group (68%: 25% very risky and 43% risky) considers this a serious issue (likely due to uncertainties in contract terms or evolving work models like gig work. This group feels this is a very high-risk area, possibly related to legal ambiguities or labour rights.

In conclusion, undeclared work and disproportionate digital surveillance are the most critical risk areas, with over 77% of respondents labeling them as either “Risky” or “Very Risky.” Regulation of Working Hours and Occupational Health & Safety and Determining the Employer-Worker Relationship also stands out as a major concern with over 65% of respondents labeling them as either “Risky” or “Very Risky”. Whereas freedom of association and social security issues are seen as moderately risky, fewer respondents label them as “Very Risky.”



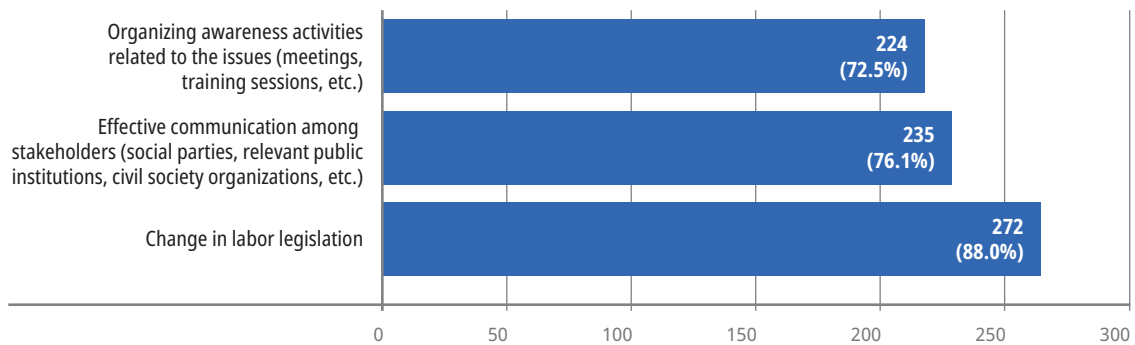
► **Fig. 5.1c.** Perceptions of the risk areas in terms of compliance with labour legislation in A-typical working models.

c) Digital surveillance and privacy:

As indicated in the section above, digital surveillance of workers (particularly regarding privacy and oversight in remote work) is considered by **79%** of the labour inspectors as one of the most serious issues brought by new work models in line with the literature in addition to problems associated to working time, hazardous working environment, and lack of social interaction. In this regard, labour inspectors were asked what measures could be taken to address issues arising from digital monitoring and surveillance systems, including the protection of worker personal data, privacy, and disproportionate employer oversight.

88% of labour inspectors believe current labour laws are insufficient to protect workers from risks related to digital monitoring, while **76.1%** support better communication between stakeholders. 72.5% of the respondents also emphasize the importance of education and awareness, suggesting that training sessions for and employers are necessary to address surveillance's ethical and legal implications (Fig. 5.1d).

Labour inspectors were asked what measures could be taken to address these challenges, emphasizing the need for balanced regulations that protect worker privacy, ensure safe working conditions, and promote healthy work-life integration.



► Fig. 5.1d. Important measures to address digital monitoring/surveillance issues.

Findings of focal group meetings

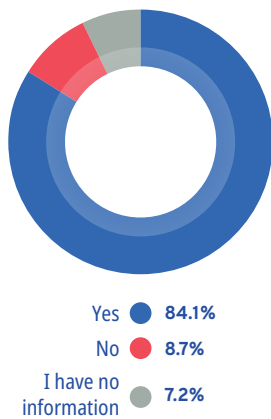
When asked about new compliance risks such as psychosocial risks, labour inspectors provided the following responses: Identifying psychosocial risks is not easy, particularly determining whether they stem from the workplace. Therefore, there is a need for legislative work in this area, taking into account examples from other countries. In practice, psychosocial risks often present themselves as mobbing by the employer towards the worker. In such cases, inspectors focus on the causes rather than the consequences.

In response to a question about the potential issues related to personal data violations from monitoring workers through digital means, one inspector stated that this matter falls outside the scope of workplace inspections and pertains to the duties of the Personal Data Protection Board, and that workers can file complaints with this authority. Conversely, another inspector noted that the protection of personal data is a constitutional right, which could also fall within the inspectors' responsibilities, and depending on the situation, it could constitute mobbing. Furthermore, the lack of an administrative fine for mobbing in the labour legislation was highlighted as a point that can be improved. Specifically, regarding mobbing, the findings recorded by the labour inspector in their report can later be used as evidence in legal proceedings initiated by the worker.

2.2.6.5.2 Perspectives of workers' organizations

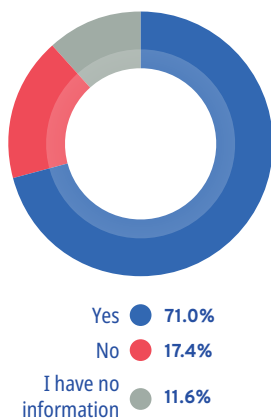
Findings of surveys

a) New or increasing occupational health issues and suggested measures:



Most participants (**84.1%**) believe that prolonged sitting in remote work models contributes to occupational health issues, such as musculoskeletal disorders (Fig. 5.2a). While these risks are also present in in-person service or administrative jobs, remote work may exacerbate them due to less ergonomic home setups and reduced opportunities for movement. A portion of respondents, however, either does not recognize these risks or lacks information, suggesting the need for greater awareness and guidance on mitigating sedentary work hazards.

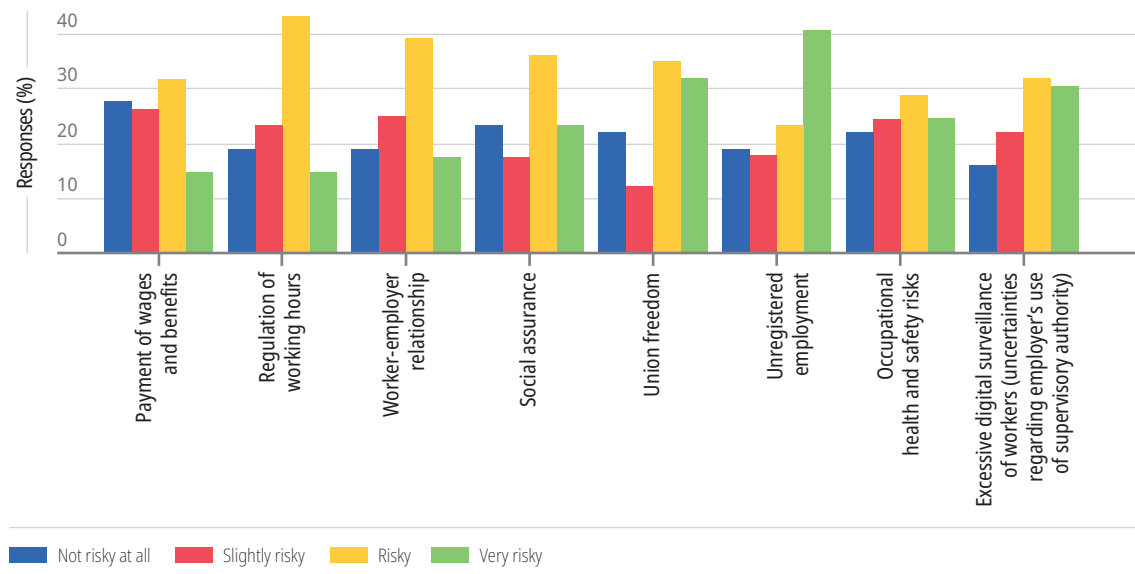
► Fig. 5.2a. Concern of prolonged sitting and occupational health issues.



Most participants (**71%**) believe remote work contributes to psychosocial risks such as stress, anxiety, and depression. This can be interpreted that the flexibility of remote work, while beneficial in some aspects, is contributing to mental health challenges. A lack of interaction, communication breakdowns, and uncertainties in job roles are cited as the main issues.

► Fig. 5.2b. Link between new work models and psychosocial risks.

b) Risks in Ensuring Workplace Compliance with Labour Legislation in Atypical Work Models:



► Fig. 5.2c. Risky areas in compliance with labour legislation in atypical work models.

The concern of the risky areas according to the risk level in terms of compliance with labour legislation, in atypical working models are interpreted by worker organizations as; **Union Freedom**, **Unregistered Employment**, and **Excessive Digital Surveillance of Workers** emerge as the most concerning areas, with more than 60% of respondents finding these aspects risky or very risky. **Social Security** and **Regulation of Working Hours** are also seen as significant risks, reflecting challenges in providing adequate social protection and maintaining fair work schedules in non-traditional work environments. **Payment of Wages and Benefits** is viewed as less risky compared to other areas, though nearly half still find it to be a concern in atypical work models.

Findings of in-depth interviews

According to the representative from TÜRK-İŞ, there is a lack of preparedness for psychosocial risks, and there should be specific penalties in this regard. Indeed, for many employers, although not necessarily all, the primary motivation for compliance with regulations is the mechanism of penalties and threats. Furthermore, they highlighted the difficulty of proving that psychosocial risks originate from the workplace and documenting this in a report, as these risks may not manifest immediately but can arise after a certain period.

HAK-İŞ, stated that one of the most common problems related to remote work is psychosocial risks, such as isolation. The blending of home and work life has a psychological impact on workers. Given the increasing importance of psychosocial risks, it is necessary to include these risks specifically in the occupational safety and health law. According to the representative, it is necessary to inspect the working environment, even if it is the worker's home, to ensure that it complies with occupational health and safety standards. This issue should not be left to the discretion of the worker. In remote work, the employer's occupational safety and health obligations remain, regardless of whether the work is conducted at home, in a café, or elsewhere. Any accident related to the execution of the job should be considered a workplace accident. Besides, the employer should cover expenses such as the internet and meals.

It is also highlighted that there is a need for comprehensive regulations that include atypical work arrangements for determining working hours and overtime. A recording system for working hours and overtime should be regulated. Furthermore, the status of workers engaged in platform work

is ambiguous, therefore it was emphasized that there should be clarity regarding roles in platform work. In the model of self-employed couriers, there is a personal dependency factor, indicating that they are genuinely workers/bogus self-employed. These couriers are exposed to numerous accidents and health challenges, highlighting the urgent need for labour inspections and finding solutions for these workers. Courier delivery workers or so-called “freelance” doctors do not benefit from any wage entitlements, union rights, or occupational health and safety rights since their status is not determined as workers. This situation creates insecure working conditions for those workers. Regarding labour inspection, it is essential to first establish their status as workers and introduce a presumption of employment. Besides, motorcycle couriers, driven by the urgency to deliver, often put their lives at risk. There should be measures to prevent workers from being compelled to work more in such a competitive environment.

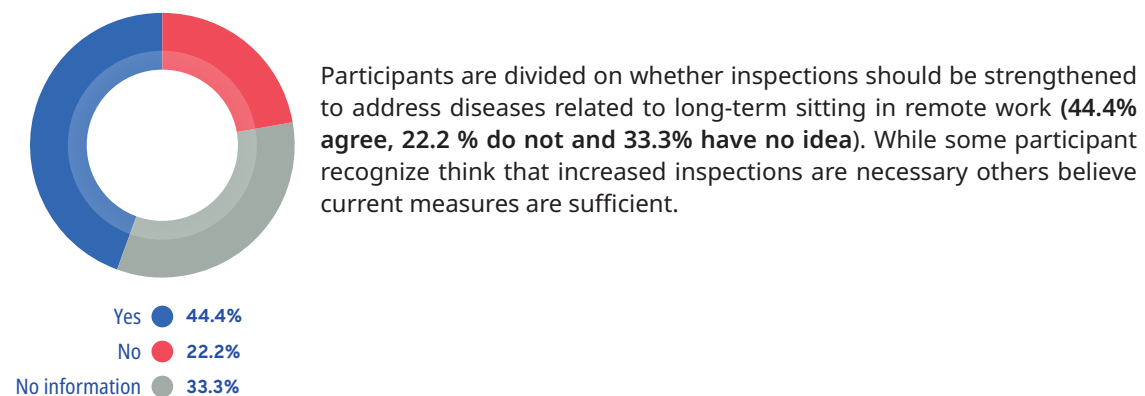
It was emphasized that the increasing use of digital tools to monitor workers is appropriate for ensuring occupational health and safety. However, practices such as the implantation of chips under the skin to track every movement of the worker constitute a violation of personal data protection regulations. In this regard, it was noted that workplace inspections should have a inspection role in this regard. Besides, digital applications used to monitor workers in the workplace could lead to violations of personal data if the principle of proportionality is not respected. In the face of digitalization, it is essential to protect human dignity and ensure decent working conditions.

According to the representative from DİSK, psychosocial risks and ergonomic risks, which are also present in traditional jobs, are not yet on our agenda but should be. Occupational Health and Safety Law No. 6331 is in accordance with international agreements; however, there are shortcomings in its implementation.

2.2.6.5.3 Perspectives of employers' organizations

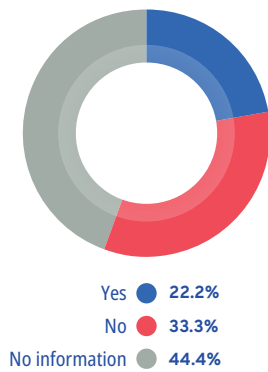
Findings of surveys

a) New or increasing occupational health issues and suggested measures



► Fig. 5.3a. Perception of occupational disease risks from sedentary work.

A comprehensive approach to addressing these risks should involve occupational physicians conducting initial assessments and advising on preventive measures. Employers also play a key role in implementing evaluation and prevention processes to create safer working environments. Labour inspectors, in turn, are responsible for enforcing compliance with OSH standards, ensuring that employers fulfill their obligations to mitigate these risks effectively.



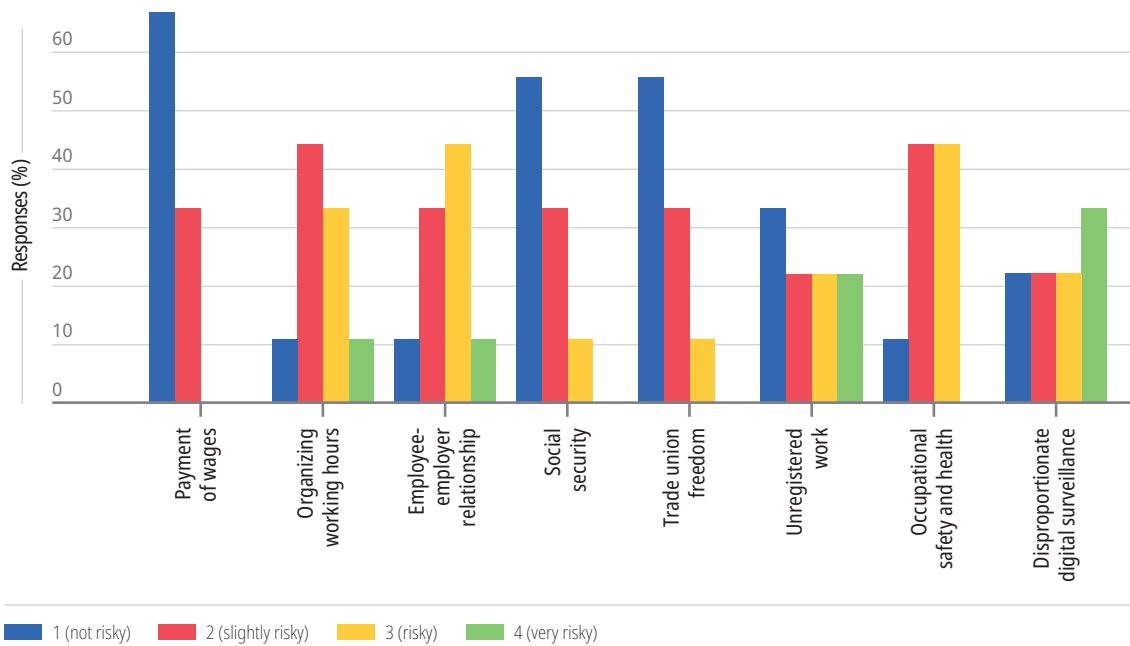
Psychosocial risks in remote flexible work:

The responses are varied, with a notable portion of respondents being unsure (44.4%), while the rest are split between recognizing and denying these potential risks (33.3% says “no”: remote work do not cause psychosocial risks). Since 44.4% of respondents indicated they have no information on the psychosocial risks associated with new work models, it’s important to raise awareness.

► Fig. 5.3b. Perceived psychosocial risks of new work models in Türkiye.

b) Risks in ensuring workplace compliance with labour legislation in atypical work models:

Occupational safety and health: 44% rate this as “risky,” reflecting major worries about ensuring safety standards are met in remote or flexible work settings.



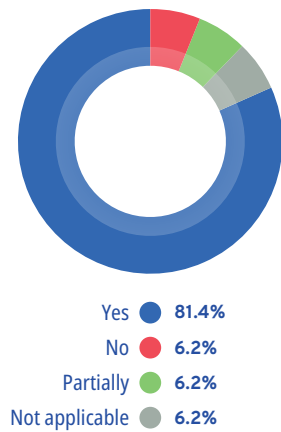
► Fig. 5.3c. The concerned risk areas in atypical work models for labour law compliance.

Findings of in-depth interviews

TISK stated that ergonomic risks can also be present in traditional businesses, although corporate enterprises already pay attention to these risks. However, there is still a need for guidance in this area. It was also noted that psychosocial risks are generally not well understood. During the COVID-19 pandemic, TISK established the psychosocial support hotline named “Avita”, offering free services to its members. Additionally, the ‘TISK Academy: Online Development Platform’ project was launched during this period, providing not only vocational training but also personal development courses for workers and their families at workplaces affiliated with member unions. The representative from TISK also suggested that it would be appropriate to establish an official system for determining the working hours of online platform workers. For example, a system could be introduced where digital consent for overtime is obtained, and only after this consent is given would the system allow for additional work.

2.2.6.5.4 Perspectives of private sector representatives

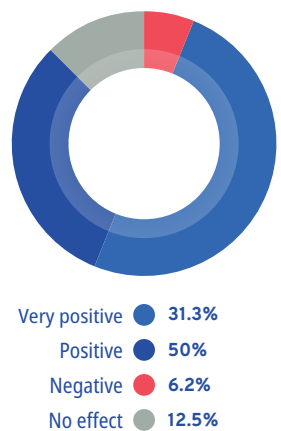
a) New or increasing occupational health issues and suggested measures (Fig. 5.4a.):



According to 81% of the private sector representatives, workplaces are actively including the effects of new work models, such as remote working, in their health and safety risk assessments. However, a small percentage of workplaces either lag behind or only partially includes these factors. This indicates that while most organizations are aware of the occupational health issues that may arise from new work models, such as ergonomic challenges or mental health strains, awareness does not always translate into action. Many workplaces may still fall short in adequately addressing these risks, highlighting the need for stronger enforcement, targeted interventions, and practical support to bridge the gap between recognition and effective response.

► Fig. 5.4a. Analysis of new working models' effects on health and safety in workplace risk assessments.

b) Impact of remote working on worker productivity and well-being (Fig. 5.4.b):



While 81.3% of respondents view remote working as having a **positive or very positive effect** on productivity, 18.7% report that there is either **no effect** or a **negative impact**. Although remote work is generally seen as a productivity booster, 18.7% who experience no, or negative effects may be at risk of developing occupational health issues. These issues could stem from the challenges associated with remote work, such as poor ergonomic setups, work-life imbalance, or increased stress due to isolation. For instance, a study by the ILO²²⁸ found that remote workers often experience increased musculoskeletal issues due to inadequate home office setups. Similarly, a report by the World Health Organization²²⁹ indicated that blurred boundaries between work and personal life can lead to higher levels of stress and burnout.

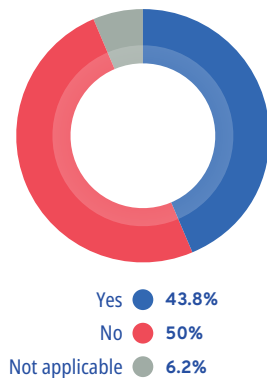
► Fig. 5.4b. Perceived impact of remote working on worker productivity.

This underscores the importance of further investigating specific cases where remote work negatively impacts well-being and productivity, allowing for the development of targeted interventions and support mechanisms.

²²⁸ ILO, 2021.

²²⁹ WHO, 2020.

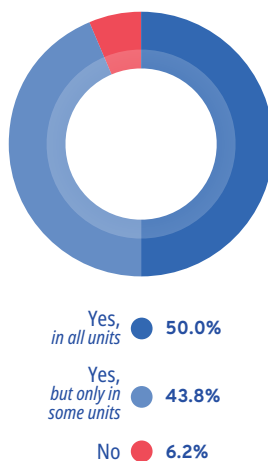
c) Psychosocial risks in new working models (Fig. 5.4c):



There is a almost **50/50 split** in respondents' views on whether new working models (like remote and flexible work) contribute to **psychosocial risks** such as **stress, anxiety, or depression**. This split suggests that according to private sector representatives, employees may be experiencing significant **mental health challenges** as a result of new working models.

► Fig. 5.4c. Perceived psychosocial risks from new working models in the workplace.

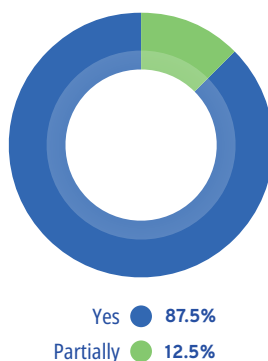
d) Current implementation of remote and flexible work models (Fig. 5.4d):



The majority of respondents (**93.8%**) reported that their workplaces have implemented remote or flexible work models in either all or some units. A **small percentage** reported that these work models are not implemented in certain units. However, this is because the private sector representatives participating in the surveys are primarily from sectors that have adopted new working models.

► Fig. 5.4d. Current implementation of remote and flexible work models in the workplace.

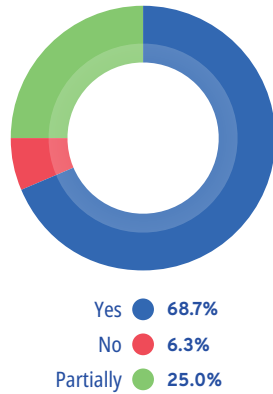
e) Impact of remote and flexible work on worker job preferences and commitment (Fig. 5.4e):



Most respondents (87.5%) believe that the integration of remote and flexible work models will have a positive impact on worker engagement and commitment. However, a minority (12.5%) believes that its impact may be limited and that other factors, beyond flexible work models, also need attention. While the private sector recognizes that remote and flexible work can foster greater worker satisfaction and commitment. It is important to note that these models were likely introduced in response to changing work trends or external pressures, rather than as a comprehensive solution to workplace challenges. This underscores the importance of a holistic approach to worker satisfaction that includes career development, work-life balance, and mental health support to address a wider range of workplace issues.

► Fig. 5.4e. Impact of integrating new work models on worker preferences.

f) Increased awareness of new workplace challenges and risks due to changing work dynamics and the COVID-19 pandemic (Fig. 5.4f):



Most respondents reported an increased awareness of the new challenges and risks associated with changing work dynamics (68.7%), particularly due to the lessons learned from the COVID-19 pandemic. However, some respondents believe that awareness is still insufficient in certain areas (25%) or does not exist (6.3%). The recognition of increased awareness of workplace challenges suggests that the private sector is making progress in adapting to the changing work landscape, including health and safety risks, mental health concerns, and new work models. However, the fact that some respondents feel this awareness is lacking highlights a gap in the comprehensive understanding of these risks.

► Fig. 5.4f. Increased awareness of new workplace challenges and risks due to COVID-19.

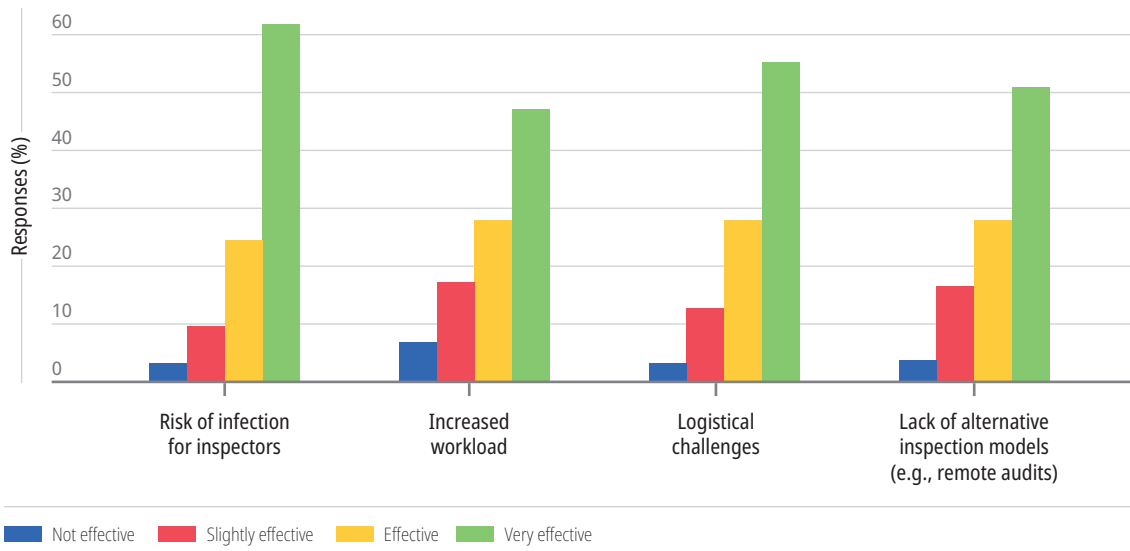
2.2.6.6 COVID-19 and challenges in Labour Inspection and Guidance

The COVID-19 pandemic reshaped the dynamics of labour inspection and workplace management across sectors. Labour inspectors, worker organisations, employer organisations, and the private sector all faced unprecedented challenges that disrupted traditional practices. From the health risks and logistical barriers confronting labour inspectors to the shifting dynamics of employer-worker relationships and the rapid adoption of new technologies, each stakeholder group was forced to adapt. As workplaces evolve, the pandemic highlighted the urgent need for updated regulations, enhanced digital tools, and more robust workforce protections to ensure both safety and productivity in an increasingly complex work environment. This section summarizes and interprets the findings and provides recommendations.

2.2.6.6.1 Perspectives of labour inspectors

Findings of surveys

- **Risk of infection:** 87% of labour inspectors considered the risk of infection during inspections as either “effective” or “very effective” in impacting their work. This shows that health concerns were a major barrier, affecting the safety and efficiency of inspections during the pandemic.
- **Logistical challenges:** 84% of inspectors identified logistical challenges (such as accessing sites and coordinating under pandemic restrictions) as a major issue. These difficulties significantly disrupted their ability to carry out inspections effectively.
- **Lack of remote inspection models:** 79% indicated that the lack of alternative or remote inspection methodologies was a considerable challenge during the pandemic. While labour inspections typically require physical presence for thorough assessments and follow-up visits, the pandemic underscored the need for supplementary digital tools to support inspection activities when in-person visits are temporarily restricted. These tools could include **pre-inspection documentation reviews, remote worker interviews, and digital monitoring systems through data** to enhance preparedness and efficiency, while ensuring that physical inspections remain the cornerstone of labor inspection processes.
- **Increased workload:** 76% of labour inspectors felt that their workload had increased significantly, making it difficult to maintain thorough and consistent oversight of workplaces.



► Fig. 6.1. Impact of challenges faced by labour inspectors during COVID-19 period.

Findings of focus group meetings

In response to a question regarding the inspection processes during the COVID-19 pandemic, the DoGI made the following remarks. It was stated that during the COVID-19 period, all tasks except for urgent ones were halted, and traditional inspections could not be carried out. Moreover, short-time work allowance compliance inspections were conducted remotely through electronic means using the Labour Inspection Automation System (İTOS). These inspections were made possible by strengthening the existing electronic infrastructure and adding a short-time work module. Therefore, the COVID-19 period served as a driving force for the digitization and enhancement of technological infrastructure. It was emphasized that inspectors conducted their short-time work compliance checks from home by accessing the Labour Inspection Automation System (İTOS), and due to the high volume of applications in a short time, they often worked until midnight, which significantly increased their workload. It was also noted that following the earthquake that affected many regions of Türkiye on February 6, 2023, the compliance inspections of short-time work applications in the earthquake-affected areas were similarly conducted electronically.

Inspectors also noted that although in-person inspections were rare during the COVID-19 period, there was a risk of infection during these instances. To protect themselves, they wore standard surgical masks. The inspectors mentioned that during the evaluation of short-time work allowances, they had to use their personal phones to contact employers, which created certain difficulties. They explained that once an employer or worker had their personal contact information, they could call the inspector directly for other issues, even after the inspection was completed. This was emphasized as an important issue for the work-life balance of inspectors. Furthermore, the inspectors pointed out the insufficient digital technical support during the COVID-19 process. For instance, when they encountered system problems, the available IT support—provided by a team of inspectors—was not always sufficient to address issues promptly due to the high workload during that period. They mentioned that this could pose a challenge for future digitalization efforts.

2.2.6.6.2 Perspectives of workers' organizations

There was no specific survey questions directed at workers' organisations; this issue is addressed in the in-depth interviews detailed below.

Findings of in-depth interviews

Representative from TÜRK-İŞ, pointed out that during the COVID-19 pandemic, while many were able to stay home, some workers did not have the luxury of losing their jobs and thus had to continue using shared transportation and going to work in groups. They emphasized the need for a protective system for workers in such situations. According to the representative, future pandemic scenarios should be addressed through legal regulations, as it became clear during the COVID-19 pandemic that the existing regulations were inadequate. For instance, questions like whether work can be halted, whether workers have the right to refuse to go to work, what happens if they don't go—will they be fired—must be clarified to ensure preparedness for future pandemics. During the pandemic, the short-time work allowance was introduced, and the eligibility conditions were eased. The representative stressed that even before the pandemic, they had already highlighted, as a confederation, that it was impossible for many workers in informal or atypical employment to meet the eligibility conditions for both the short-time work allowance and unemployment insurance.

During the meeting with the representative from HAK-İŞ, it was indicated that while significant measures such as the prohibition of dismissals and cash support payments were positive reactions during the COVID-19 pandemic, sufficient inspections were not conducted during this period. It was also mentioned that the relaxation of conditions for short-time work allowance helped both employers and workers, which was a beneficial move. However, the representative raised concerns about fraudulent cases where short-time work was applied for despite full-time work continuing. It was emphasized that inspections in this area should be further strengthened and improved. According to the HAK-İŞ representative, if another crisis like a pandemic arises, implementing similar measures—such as the dismissal ban, short-time work allowance, and cash support payments—would still be appropriate and effective.

The representative from DİSK stated that, in their view, during the COVID-19 pandemic, labour inspectors primarily focused on short-time work applications. According to DİSK, in the case of the biological threat posed by COVID-19 to workers, the General Hygiene Law should not have been applied, but rather the Occupational Health and Safety Law No. 6331 should have been implemented.

2.2.6.6.3 Perspectives of employer organizations

There was no specific survey questions directed at employer organizations; this issue is addressed in the in-depth interviews detailed below.

Findings of in-depth interviews

TİSK, in response to a question about the COVID-19 period, stated that although both Türkiye and the rest of the world were caught unprepared, the DoGI provided services across the country with a very limited staff in evaluating short-time work applications. It was emphasized that they demonstrated a very fast and dedicated performance to maintain industrial compliance, which had crucial importance for labour peace in such a crisis atmosphere.

2.2.6.6.4 Perspectives of private sector representatives

- a) Increased worker and employer awareness of new workplace challenges and risks due to changing work dynamics and COVID-19.

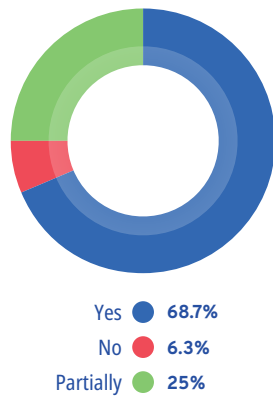


Fig. 6.2 shows that most respondents (69%) acknowledge an increased awareness of workplace challenges and risks, likely driven by the lessons learned during the COVID-19 pandemic. However, there is still room for improvement, as some respondents feel the awareness is either insufficient (25%) or nonexistent (6.3%) in certain cases.

- Fig. 6.2. Increased awareness of new workplace challenges and risks due to changing work dynamics and COVID-19.

2.2.6.7 The need for legal regulations for new work models

The rapid adoption of new work models such as remote work, telework, and platform work has significantly altered the traditional employment landscape. This shift has underscored the necessity for legal reforms to protect workers' rights, ensure employer obligations, and adapt labour inspection practices to meet the evolving nature of work. This section explores the perspective of stakeholders regarding legal and regulatory adjustments to accommodate new work models and ensure the proper enforcement of labour standards across various sectors.

2.2.6.7.1 Perspectives of labour inspectors

Findings of surveys

- a) Need for new legislation to strengthen labour inspection and guidance for remote, flexible, and platform work in Türkiye driven by crises and advancing technologies

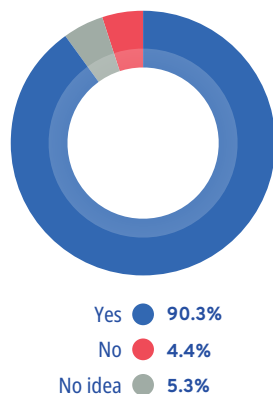


Fig. 7.1 suggests that 90.3% of respondents strongly agree that new legal regulations are needed to effectively inspect and manage emerging work forms such as remote and flexible work. The consensus highlights the need for updated frameworks to enable more efficient labour inspections that account for the complexities of remote and platform work environments.

- Fig. 7.1. Perception of the necessity of new legislation to face emerging work challenges brought by new forms of work.

Findings of focus group meetings

According to labour inspectors, the definition of a “workplace” under the Labour Law needs to be updated and clarified, especially in the context of working from home. There are significant uncertainties about the limits and scope of responsibility when accidents occur at home during remote work. Although current legislation stipulates that employers shall cover certain costs associated with remote work, there is ambiguity about which costs should be covered, such as whether or not utility bills like electricity or the internet should be reimbursed, and if so, how much should be covered. Additionally, distinguishing between work-related and personal expenses remains unclear. In practice, payments labeled as “remote work compensation” are being made, but it is unclear which expenses these payments are meant to cover.

Regarding platform work, there is also uncertainty about whether platform workers are considered workers or independent contractors. In addition to the need for regulations on platform work, the issue requires further support from Supreme Court decisions. Labour inspectors generally believe that motor couriers working through platforms exhibit personal dependency on the platform, but there is still uncertainty about whether they fall under the inspectors’ jurisdiction. The need for regulatory clarity means establishing clear criteria for determining worker status in such cases, as the legislation on subcontracting is much clearer, leaving little room for doubt.

In terms of occupational health and safety legislation, there is a need for more concrete guidelines on the specific measures to be taken for risks. The importance of developing sector-specific guidelines has been emphasized, and these are currently being discussed. However, instead of having these guidelines solely prepared by the DoGI, it has been suggested that working groups be formed, including trade unions, academics, sector leaders, relevant ministries, and ministry departments. Involving all stakeholders in this process would likely lead to greater acceptance and adoption of the guidelines by all parties involved.

2.2.6.7.2 Perspectives of workers’ organizations

Findings of surveys

- a) The need for new legislation in Türkiye for new forms of work like remote work, flexible work, and platform work that have arisen due to COVID-19 and advancing technologies.

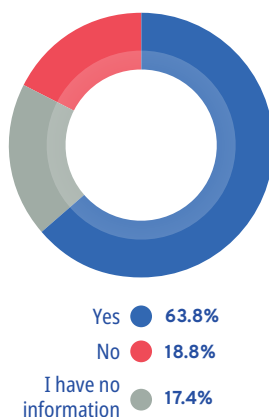


Fig. 7.2 suggests that a clear majority (64%) supports new legal regulations to govern new work models in Türkiye, driven by concerns about worker protections and the evolving nature of work. On the other, 19% do not support new regulations and 17% have no idea about it. Participants believe current labour laws do not adequately cover the unique risks and challenges brought by remote, flexible, and platform work. There is a strong demand for laws that guarantee fair working conditions, rights, and benefits.

► Fig. 7.2. Need for new legal regulations in Türkiye for emerging work models.

b) Need for new legislation to strengthen labour inspection and guidance for remote, flexible, and platform work in Türkiye driven by COVID-19 and advancing technologies

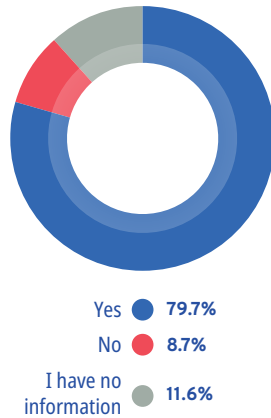


Fig. 7.3 indicates that a high percentage (80%) of respondents favor new legislation to strengthen labour inspection and guidance processes to oversee these emerging work models.

► **Fig. 7.3.** Need for new legal regulations to strengthen labour inspection in Türkiye.

Findings of in-depth interviews

All worker organizations pointed out the inadequacy of the Remote Work Regulation and its failure to meet essential needs. They emphasized that the resolution of these issues being left to the parties involved effectively leads to outcomes that are detrimental to workers. In response, they stated that they have been attempting to address this gap by including provisions in collective bargaining agreements.

They have also emphasized the ambiguities in regulation regarding platform work. In such work, the status of workers becomes ambiguous. Therefore, the worker status of these individuals should be clarified first, and a presumption of employment should be established. Motorcycle couriers put their lives at risk in the race for on-time deliveries. Measures should be taken to prevent workers from being forced to work anymore in such a working environment.

2.2.6.7.3 Perspectives of employers' organizations

Findings of surveys

a) The Need for new legislation in Türkiye for new forms of work like remote work, flexible work, and platform work that have arisen due to COVID-19 and advancing technologies.

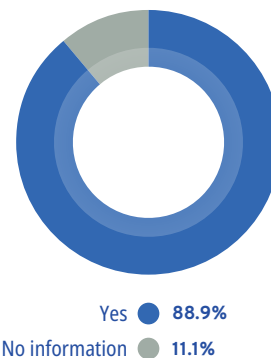


Fig. 7.4 illustrates that **89%** of employers' organizations support the need for new legal regulations to address emerging work models. Participants acknowledge that new work models, driven by COVID-19 and technological advancements, require updated legal structures to clarify employer responsibilities and ensure compliance in a rapidly changing work environment.

► **Fig. 7.4.** New Legal Regulation needs for Emerging Work Styles in Türkiye.

b) Need for new legislation to strengthen labour inspection and guidance for remote, flexible, and platform work in Türkiye driven by COVID-19 and advancing technologies

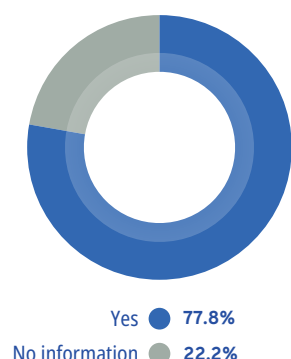


Fig. 7.5 indicates that **78%** of participants agree that new legislation is needed to enhance labour inspection and guidance for new work forms, while 22% have no idea. The support for strengthening labour inspection suggests a recognition of the clear guidelines.

► **Fig. 7.5.** New Legislation needs to enhance labour inspection and guidance for new form of work.

Findings of in-depth interviews

Another question posed to the TISK was about the challenges of ensuring workplace compliance in atypical working arrangements. In response, the employers' organization representative highlighted the need for regulations for new working modalities. Accordingly, it is stated that the Remote Work Regulation was issued hastily and is insufficient. The regulation contains very general statements regarding the responsibilities of employers, and there are significant challenges in determining working hours and overtime in remote work settings. The need for a guide on occupational health and safety measures for remote work was emphasized, with reference to a previous effort to prepare such a guide, which was not published. The representative also noted the ambiguity around whether incidents like spilling tea on oneself while working remotely would be considered a workplace accident.

It is also mentioned that the phrase in the Occupational Health and Safety Law No.6331 states the employer must "take all necessary measures in terms of occupational health and safety" should be clarified through such a guide, which would also enhance the guidance role of the Labour Inspection authority. Furthermore, it was noted that the majority of businesses in Türkiye are small and medium-sized enterprises (SMEs), while large-scale corporate enterprises, making up only a small proportion of workplaces, already meet these standards. According to representative, the problem primarily lies with the remaining SMEs.

2.2.6.7.4 Perspectives of private sector representatives

a) Awareness of legislation on new working models (atypical: remote, flexible, platform, etc.)

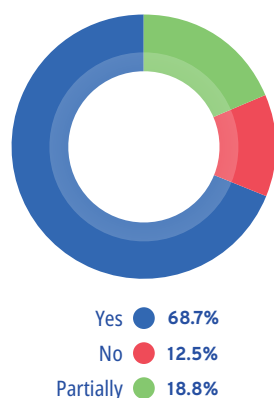


Fig. 7.6 indicates that while the majority of private sector respondents (69%) are informed about existing legislation, nearly one-third either lack awareness (12.5%) or are only partially (18.8%) aware of the regulations. This highlights a knowledge gap within the private sector regarding the legal frameworks for emerging work models. Greater efforts in communication and education are necessary to ensure that all businesses understand their legal obligations.

► **Fig. 7.6.** Awareness of Legal Regulations Regarding New Working Models.

b) Strengthening labour inspection and guidance to prevent occupational health issues (e.g., musculoskeletal and cardiovascular disorders) caused by new work models

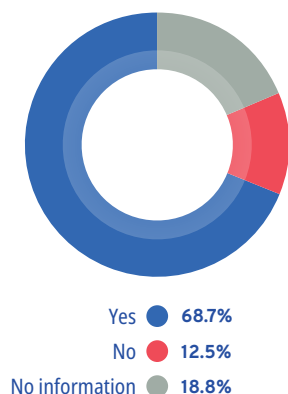


Fig. 7.7 suggests that the majority of respondents (69%) favor strengthening inspection and guidance activities to prevent health risks, such as musculoskeletal disorders caused by sedentary work. However, some respondents either lack information (19%) or do not see the need for such actions (12.5%). While there is broad consensus on the importance of addressing health risks in new work environments, there remains some uncertainty about the necessity of enhancing labour inspection, as this is firstly the main responsibility of employers.

► **Fig. 7.7.** Support for strengthening Work Inspection and guidance activities to Prevent Occupational Diseases from Sedentary Work.



2.2.6.8 Labour inspection of new work models

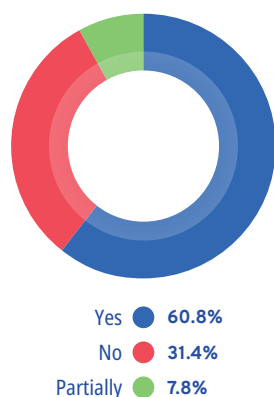
The emergence of new working models, such as remote, flexible, and platform work, has significantly transformed the traditional workplace landscape. These shifts have introduced challenges for labour inspection, requiring interpretation and adaptation of existing regulations and inspection practices²³⁰. As remote work and atypical work arrangements grow, the capacity of labour inspectors and the effectiveness of inspection and enforcement methods. While traditional in-person inspections remain central, there is increasing interest in exploring the role of digital tools and supplementary remote methods. These methods, as highlighted by the Organisation for Economic Co-operation and Development²³¹ can enhance efficiency and preparedness but are not yet widely practiced and depend on the regulatory framework and technological infrastructure available.

²³⁰ ILO, 2021.

²³¹ OECD, 2021

2.2.6.8.1 Perspectives of labour inspectors

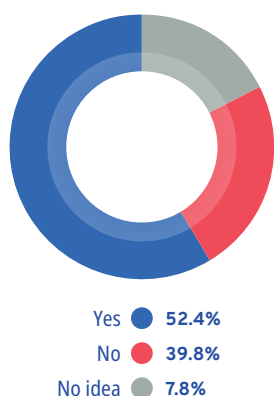
Findings of surveys



Effectiveness of “in-service trainings” in providing adequate knowledge about regulations related to the evolving working environment.

Fig. 8.1a indicates that 60.8% of labour inspectors believe that in-service training—formal training programs provided by the organization, including sessions led by experienced peers or external experts—provides sufficient knowledge about regulations related to evolving work environments. Meanwhile, 31.4% think it is only partially effective, and 7.8% feel it needs improvement. These findings may be interpreted to suggest that, while most inspectors feel prepared by training programs, a significant portion sees room for improvement, indicating that the quality and relevance of these trainings could be enhanced to better address emerging work models.

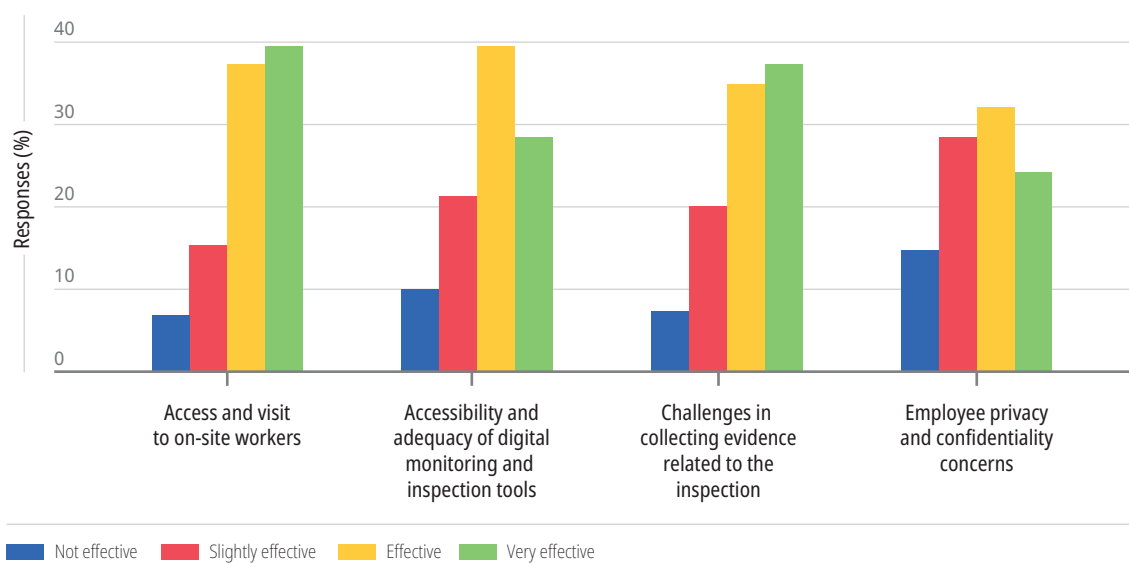
► Fig. 8.1a. Effectiveness of the in-service training.



The potential effectiveness of inspection of remote work

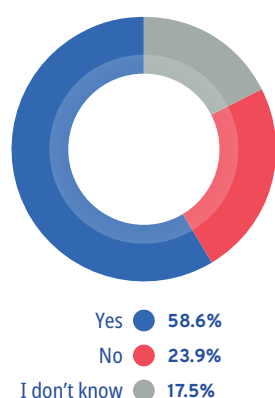
Fig. 8.1b illustrates that 52.4% believe remote work inspections could be effective, while 39.8% remain unconvinced, and 7.8% are undecided. This suggests that there is a clear divide among inspectors, with many expressing confidence but a substantial minority unsure about the adaptability of traditional inspection methods to remote work contexts. This may indicate a need for developing new or more robust remote and on site inspection strategies.

► Fig. 8.1b. The potential Effectiveness of inspection of remote work.



► Fig. 8.1c. Impact of the potential challenges in remote work model inspections.

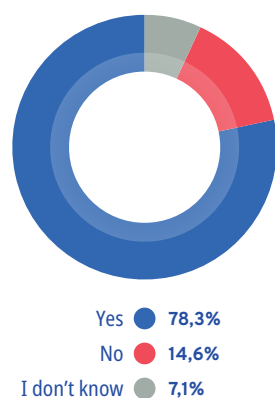
The chart indicates that all the listed challenges are potentially significant during remote inspections, with access to on-site workers, accessibility and the adequacy of digital tools and difficulties in collecting evidence related to the inspection being particularly critical. Key challenges include accessing on-site workers (78%), adequacy of digital tools (69%), collecting evidence (72%), and privacy concerns (56%). These findings highlight the complexity of remote work inspections, where improving digital tools and infrastructure may help address challenges but could also raise concerns about excessive worker surveillance. This tension underscores the importance of developing balanced solutions—such as targeted use of technology for specific inspection purposes (as discussed in this report, the inspection of certain critical issues requires a physical visit.), robust privacy protections, and clear guidelines to prevent misuse—ensuring that inspections remain effective without infringing on workers' rights.



Impact of labour inspection and guidance on identifying and preventing psychosocial risks in new work models

59% of the respondents think that inspection activities may positively impact the prevention of psychosocial risks, while the remaining respondents are either unsure (18%) or disagree (24%). The data suggests that while there is overall confidence in the ability of labour inspection and guidance to address psychosocial risks in new work models (e.g., remote and flexible work). However, a sizable minority's skepticism highlights the need for clearer communication and improvements in inspection activities related to psychosocial risks.

► **Fig. 8.1d.** The impact of the labour inspection and guidance activities on the identification and prevention of new work model related psychosocial risks.



Need to increase capacity of labour inspectors for new work model (e.g., remote, atypical and platform work) inspections

According to Fig. 8.1e, a majority of respondents (78%) support the need to increase labour inspectors' capacity to effectively inspect new work models, while some feel current methods are sufficient (15%), and a small group remains undecided (7%). The broad consensus indicates that most labour inspectors believe enhanced capacity and resources are essential to handle the complexities of new work models such as remote, flexible and platform-based work.

► **Fig. 8.1e.** Perception of the necessity of increasing the capacity of labour inspectors for atypical work.

Views of labour inspectors on potential effectiveness of remote inspection systems in labour inspections

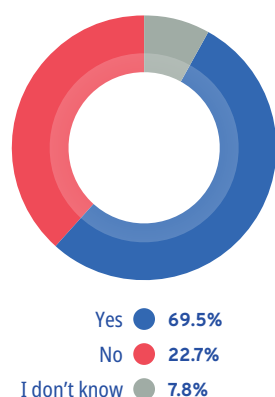
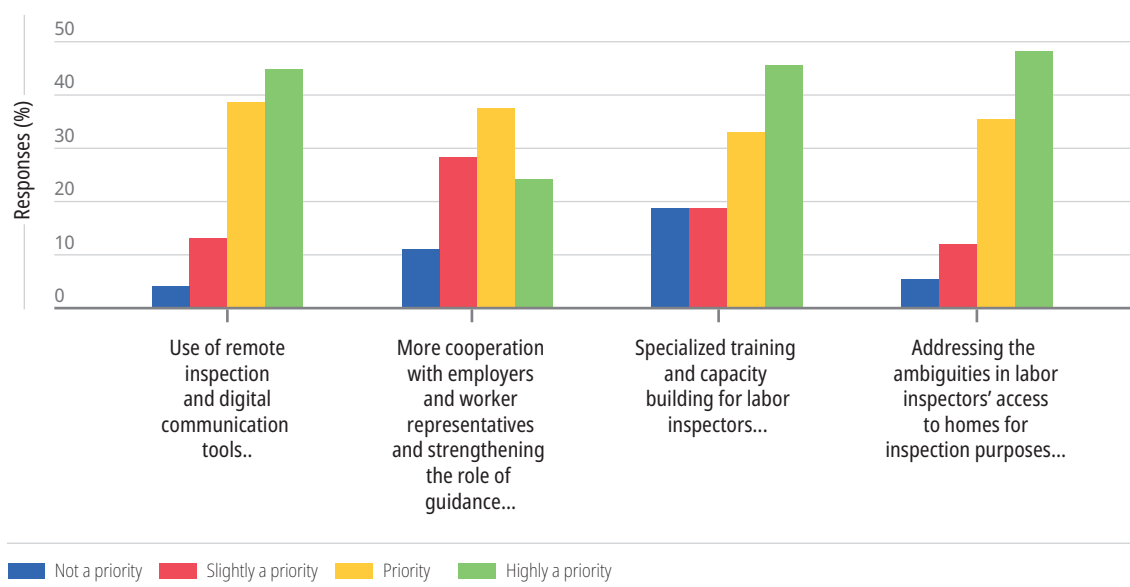


Fig. 8.1f indicates that 69.5% of inspectors are optimistic about the use of remote methods in labour inspections, while 22.7% are skeptical, and 7.8% are undecided. This may suggest that while most inspectors see potential in remote monitoring technologies to enhance labour inspections, concerns about their reliability, accuracy, and ethical implications, including privacy issues, remain significant. Practical examples already exist where cameras are used in hazardous environments, such as construction sites handling asbestos removal, to monitor compliance and reduce risks to inspectors. These applications demonstrate the potential value of drones and cameras, particularly in situations where physical access is dangerous or impractical. However, their use will require clear regulations and ethical guidelines to balance the benefits of remote monitoring with the protection of worker privacy and labour rights. Additionally, further training and discussion are needed to address inspectors' concerns and ensure the effective and responsible integration of these technologies into labor inspection processes.

► Fig. 8.1f. Perception of the potential effectiveness of the remote monitoring systems in labour inspections.

Key Areas to strengthen in labour inspection and guidance for the future and post-COVID-19



► Fig. 8.1g. Priority areas for development in labour inspection post COVID-19.

- **Addressing ambiguities in labour inspectors' access to homes (for remote working models):** 83% of respondents emphasize the importance of resolving legal or procedural issues related to labour inspectors' access to homes, which is critical with the rise of remote work.
- **Use of remote inspection and digital communication tools:** 83% of the respondents view this as a priority (38%) or high priority (45%), indicating a moderate to high need for enhancing remote inspection tools for labour compliance.

- **Specialized training and capacity building for labour inspectors:** 78% of the respondents see this as a key priority, highlighting the need for improving the skills and capacities of labour inspectors, especially in light of post-COVID-19 challenges.
- **More cooperation with employer and worker organizations:** This category is considered by 67% of respondents as *moderately* important, recognizing the need for enhanced collaboration and stronger guidance roles in the future.

Labour inspectors view the use of “remote inspection and digital communication tools” as a top priority as well as clarifying ambiguities in accessing homes for remote work. Enhancing inspector training to meet post-pandemic challenges and cooperation with employer and worker representatives are also seen other important issues.

Labour inspectors’ familiarity with digital inspection models such as remote inspection, big data analysis and the use of artificial intelligence.

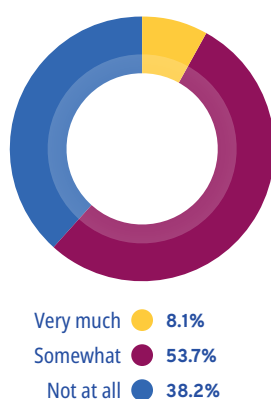


Fig. 8.1h shows that 53.7% have some familiarity with digital practices, but 38.2% are not familiar at all, and only 8.1% are highly familiar. There is a significant knowledge gap regarding digital labour inspection practices. Only a small percentage (8.1%) are highly familiar, suggesting that the integration of such technologies into labour inspection practices may still be in its early stages, with room for growth in terms of awareness and adoption. This could be an area of focus to modernize labour inspection and guidance processes.

► **Fig. 8.1h.** Familiarity levels of labour inspectors with digital practices.

It also suggests that further education and training are needed to enhance inspectors’ familiarity with remote inspection, big data, and AI tools, especially in a post-COVID-19 world where digital tools are increasingly essential. Ready and easy-to-use tools are crucial for bridging the knowledge gap for inspectors. Designing intuitive, user-friendly AI-powered tools can help lower the barrier to entry, ensuring that even the most technophobic inspectors can confidently use digital solutions. Incorporating features like guided workflows, on-demand training, and robust technical support can further enhance usability and adoption. By focusing on accessibility and ease of use, digital tools can empower all inspectors, irrespective of their initial comfort level with technology, to effectively leverage these advancements.

Findings of focus group meetings

It has been emphasized by labour inspectors that strengthening the digital infrastructure and ensuring data integration are crucial in workplace inspections. It has been noted that the DoGI is currently working on the digital transformation project related to inspections, funded by national resources, and that the existing digital technical infrastructure in this area is quite strong. Sufficient financial resources have also been allocated at the national level; however, it has been emphasized that the system needs to be further strengthened to take more risky steps, such as protection against cyberattacks. This project aims to enhance the aforementioned digital infrastructure, create a more comprehensive automation system instead of the current system named ITOS, ensure data integration, integrate e-signatures into this system, introduce modules for workers and employers, and the strengthening of decision support mechanisms to be used in determining programmed inspections and the determination of priorities are also part of this project.

It has been suggested that it is necessary to determine the areas in which remote inspections²³² can be conducted. Remote inspection may not be applicable for OHS, particularly for simpler issues that can be examined with basic documentation, such as short-time work. For instance, aspects like whether wages are paid on time, payment receipts, and whether payments are made through the bank can be monitored through the system's tracking records and logs. These reports could be made mandatory for employers in remote working models. Currently, a legal basis needs to be established for remote (data) inspections for such inspections, where documentation is required. However, it has been expressed that remote inspection is not suitable for workplaces with high life-threatening risks, where on-site inspection is essential. Remote inspections could also include taking the worker's statement. For instance, the worker's statement could be obtained via a video call on Zoom, with the statement being signed electronically using an e-signature. As an additional method of remote inspection, it has been noted that integration with the e-Government system could allow for the retrieval of certain data, making it possible to conduct online inspections of specific documents.

The main responses from inspectors regarding the question of inspection in atypical working models have been as follows: The legislation on remote work needs to be reviewed in terms of both occupational health and safety and working conditions. Accordingly, the remote work regulation needs to be improved, and the responsibilities of employers and workers need to be clarified in this regard. Labour inspectors have indicated that there are uncertainties regarding physical access to homes. Furthermore, even if a worker accepts and provides written permission, inspectors are cautious about entering private areas due to concerns about facing accusations such as harassment or theft. Documenting working hours is important, but there are no penalties related to this, and in many cases, such documentation is inaccessible. In practice, for certain sectors—such as call centers—workers' working hours are logged into the system, enabling the monitoring and inspection of working hours. In other words, inspections can be conducted if there are electronic documents/log records regarding working hours. Currently, employers maintain an electronic record system based on voluntary participation; however, with a regulatory amendment, this could be made mandatory, allowing for the control of working hours. The potential issue here is the possibility of tampering with electronic data. Thus, the reliability of the data must be ensured. According to another opinion, the implementation of an electronic payroll for workplaces with certain number of workers could be considered.

Motorcycle courier activities conducted through digital platforms have given rise to a new form of work that traditional labor laws struggle to define. In this area, where a status confusion prevails, it has been stated that the issue of whether couriers can be subject to inspection is controversial. Furthermore, it has been emphasized that even if couriers are included in the scope of inspections, this may not be sufficient to resolve their workplace-related issues.

Programmed inspections are being conducted regarding temporary employment relationships, and serious administrative fines can be imposed when necessary. However, in cases where the temporary employment relationship is deemed invalid, there is no clear provision—unlike in subcontracting regulations—regarding which party should be considered the employer of the temporary worker.

2.2.6.8.2 Perspectives of workers' organizations

In addition to the supporting questions included in other sections, direct questions on this topic were covered in face-to-face, in-depth interviews, and the results are presented below.

Findings of in-depth interviews

In the context of the future of work, when asked what role labour inspection should play, the representative of worker organizations responded that the effectiveness of labour inspection should be enhanced, not just in terms of quantity. It was mentioned that digital tools, such as drones, could be

²³² Remote inspection involves utilizing digital tools, data analysis and systems to monitor compliance with labour standards without physical presence.

used in labour inspections. According to the representatives in general, there are not many deficiencies in the legislation in Türkiye; the key issue is ensuring the implementation of these regulations.

According to the workers' organizations, inspectors need to be well-versed in new working methods and should receive training on these topics. Although the use of robotic technology in large enterprises is beginning to increase and is expected to rise further in the coming years, Türkiye's labour inspection system is not yet ready for these new structures. Given the large number of workplaces and workers in Türkiye, the number of inspectors should also be increased to some extent. The guidance role of labour inspection is important because, despite the perception that employers know everything, they are often unaware. With new working methods, new risks and occupational diseases will emerge, and it is essential to be prepared in advance for these challenges.

One notable suggestion regarding the remote work is that a model similar to the minimum labour method in social security law²³³ could be developed for remote inspection methods, whereby working hours could be determined by artificial intelligence based on production levels. Furthermore, it is also possible to remotely monitor whether certain occupational health and safety measures have been implemented or whether specific certifications or services have been obtained. However, monitoring remote work for occupational health and safety reasons is very challenging due to the inviolability of the private home.

2.2.6.8.3 Perspectives of employers' organization

In addition to the supporting questions included in other sections, direct questions on this topic were covered in face-to-face, in-depth interview, and the results are presented below.

Findings of in-depth interview

During the in-depth interview with representatives from the TİSK, several key insights were highlighted regarding the inspection of new working models.

The representative suggested that an official system to track working hours for workers working on online platforms would be beneficial. For instance, a system could be implemented where overtime work requires digital consent, and the system would only activate following this approval.

Regarding ergonomic risks, it was noted that ergonomic risks are present in traditional workplaces as well. While larger corporate businesses are generally attentive to these risks, there is still a need for guidance materials on this topic. Psychosocial risks were acknowledged as being generally less understood.

The interview emphasized that technology-based OSH measures, developed nationally, could be further expanded in workplaces. An example mentioned was a project provided free of charge to TİSK members, where artificial intelligence supports OSH while ensuring personal data protection. For instance, compliance with helmet requirements is monitored without displaying individuals' faces. This example suggests that remote monitoring systems can be effectively used for OSH measurements, serving as a potential model for labour inspection as well.

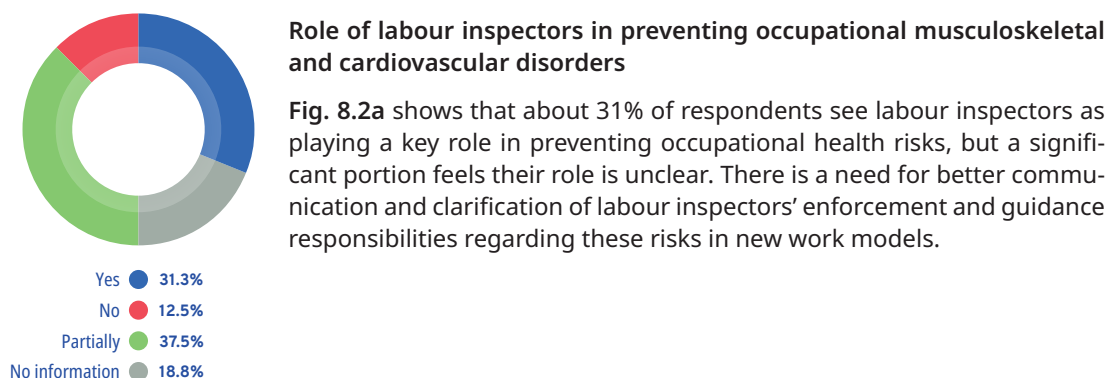
In response to a question on potential remote inspection methods, the representative suggested that integration with the e-Government platform could allow for the retrieval of certain documents online, enabling remote inspections of specific records. Additionally, the possibility of using online payroll systems was highlighted.

²³³ This is a practice aimed at determining whether the employer has reported sufficient labour to the Institution, in accordance with the minimum number of insured workers required for carrying out a job, the amount of earnings subject to social security premiums, and the working hours.

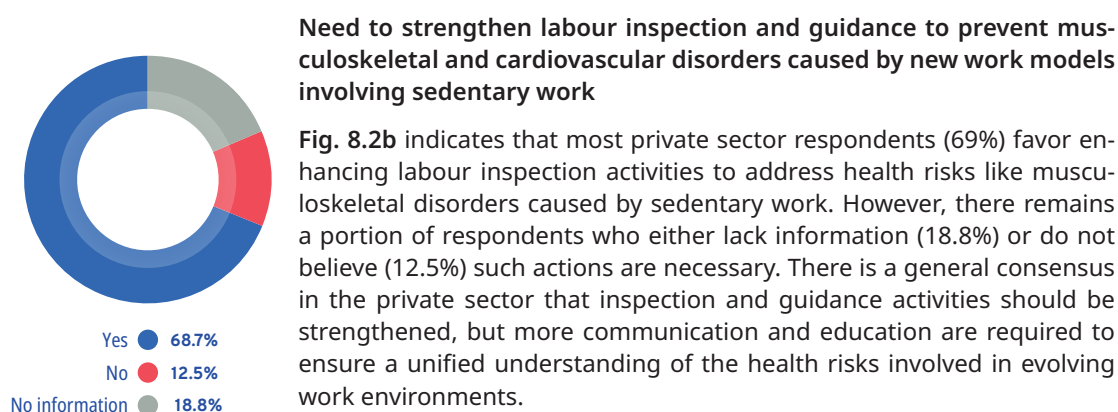
2.2.6.8.4 Perspectives of private sector

Findings of surveys

In addition to the related questions addressed in previous sections, private sector representatives were queried about the role of labour inspection and guidance in the context of emerging and escalating compliance risks associated with new working models. The findings are presented below.



► **Fig. 8.2a.** Perceived role of labour inspectors in identifying and preventing occupational health risks.



► **Fig. 8.2b.** Support for strengthening work inspection and guidance activities to prevent occupational diseases from sedentary work.

2.2.6.9 The strengths of labour inspection in Türkiye

In both face-to-face and online in-depth interviews and focus group meetings, one of the questions posed to all participants was about the strengths of labour inspection in Türkiye. This inquiry aimed to assess the perspectives of various stakeholders regarding the strengths of the labour inspection system in Türkiye and to identify the areas that require targeted focus when discussing its future role. The first point emphasized by labour inspectors was the strong authority granted to them by the legislation. Additionally, they highlighted that the system is fundamentally based on a strong relationship like master-apprentice, and after being accepted into the profession, inspectors undergo long and comprehensive training processes, which further enhance their competencies. Inspectors also noted that conducting inspections in various locations, interacting with a wide range of individuals, and solving different issues as needed keeps them dynamic. Another strength of the guidance and inspection system in Türkiye, as mentioned, is the ongoing communication and collaboration with the ILO. Inspectors emphasized that they are the only inspection board operating based on a legal basis of an international convention (ILO Convention No. 81), which distinguishes them from other inspection boards.

According to the perspective of employer organizations, the strong authority granted to inspectors and the solid legislative framework related to inspections were highlighted as key strengths.

According to the TÜRK-İŞ, the DoGI is a longstanding and established institution, there are experienced and qualified labour inspectors. Even if the number of inspections is low, the mere existence of such an institution has a deterrent effect on employers. However, it is possible to enhance this effectiveness further. In the view of HAK-İŞ, the strength of labour inspection lies in its ability to ensure compliance with the legislation, making it a deterrent. As stated by the workers' confederation DİSK, a key strength of labour inspection is its existence and its collaborative efforts with the ILO.



2.2.7 Overall recommendations on the future of the labour inspection system in Türkiye

In this study, various challenges, solutions and recommendations regarding the future of labour inspection system are discussed under section 2.2 in the light of literature and comparative law, the findings of qualitative and quantitative analysis of interviews and survey results. Under this section, considering all of the findings of the research, more specific recommendations tailored to Türkiye will be presented.

2.2.7.1 Addressing legislative ambiguities in atypical work models

The ambiguities in the legislation, along with uncertainties regarding roles, rights, and obligations, not only cause confusion among the parties responsible for implementing the rules but also constrain the effective application of labour inspections. Thus, these gaps concerning atypical work forms, especially remote work and platform work, should be addressed in Turkish law. In other words, related legislation should be developed, updated, or clarified.

The issue is explicitly addressed in Türkiye's Medium-Term Program for 2024-2026²³⁴, released by the Presidential Strategy and Budget Directorate of the Republic of Türkiye. Accordingly, the plan for the third quarter of 2024 is as follows: "In light of developments in new-generation flexible work models such as remote, part-time, temporary, and platform work, legislation will be swiftly and effectively enacted, considering the needs of the business world and work-life balance". Additionally, for the first quarter of 2025, it is envisaged in the Program that "Changes to the Labour Law, made in dialogue with social partners, and the subsequent secondary legislation will ensure secure flexibility in labour markets". Therefore, preparations on the matter have already commenced. However, regulations aimed at addressing the gaps in atypical work models should be developed with broad participation, especially through effective social dialogue, prioritizing the protection of workers.

In Turkish law, there is a notable need for improved regulations regarding remote work. The Remote Work Regulation has the potential to address these needs but could benefit from further enhancement. It is important to clearly define the rights and responsibilities of the parties involved in this working model. Additionally, occupational health and safety risks associated with remote work and the measures to mitigate these risks should be explicitly outlined. Preparing guides or manuals on this subject with the participation of social partners, which can be regularly reviewed and revised as needed, would also be beneficial.

There is also a need for regulation of platform work in Turkish law. The primary objective in this matter should be the enactment of legal regulations that prevent misclassification. Thus, it would be appropriate to introduce an employment contract presumption, as found in the relevant EU Directive, where platform workers are presumed to be employees unless proven otherwise²³⁵. Such a legal presumption would maintain a procedural simplification for workers to vindicate the proper classification of their relationship by enforcing principle of the primacy of facts, as stated by R198 - Employment Relationship Recommendation, 2006 (No. 198)²³⁶. This would also enable these individuals to be considered as employees by administrative authorities and facilitate their registration for social security purposes, allowing the labour inspection organization to conduct necessary inspections. A series of factual indicators of subordination should also be determined. This will enable labour inspectors to identify

²³⁴ See <https://www.sbb.gov.tr/orta-vadeli-programlar/>

²³⁵ Tolu Yılmaz, 425.

²³⁶ Aloisi et al, 8.

the presence of an employment contract when these indicators are observed during their inspections. Appeals against such determinations and any resulting administrative fines should be directed to the labour courts, which are specialized in labour law, not the civil courts. Furthermore, labour inspectors must be informed of the reasoned decisions made by the courts in response to these appeals, as is also mentioned during the in-depth meetings with labour inspectors. This approach can ensure greater alignment between the findings made during inspections and the subsequent court rulings over time. Additionally, for platform workers, regardless of their employment status, there should be some protective provisions including the right to be informed about and contest decisions affecting them, the protection of their personal data, the recognition of union rights, and the assurance of occupational safety and health²³⁷. By introducing protective mechanisms regardless of the worker status, it may become necessary to expand the authority of labour inspection to ensure the effectiveness of these rules, allowing for inspections to be conducted based on the status of platform workers rather than their traditional employment classification.

2.2.7.2 Digitalization, and integration of remote inspection mechanisms into the system

In addition to traditional on-site inspections, remote/digital inspection methods should be introduced, which are also necessary for preparing for events like the COVID-19 pandemic. The opportunities offered by technology should be effectively utilized to modernize and digitalize the labour inspection system.

As stated in ILO's Guidelines on General Principles of Labour Inspection, labour inspection systems should capitalize on advancements in information and communication technologies to enhance and broaden the scope, accessibility, and efficiency of their services. Additionally, leveraging information and communication technology systems should aid in alleviating administrative burdens, such as through the implementation of electronic notification systems, electronic documentation, and data exchange between institutions. This technological integration should also enhance the efficiency of inspectorate work by facilitating the planning of inspection activities, thus streamlining operations further. Labour inspectors need access to information and communication technologies, where accessible, to systematically report on all their activities. A computerized recording system should also be implemented.

As discussed during the focus group meetings with labour inspectors, the digital transformation process in the Turkish labour inspection system has already begun. During the COVID-19 pandemic, the infrastructure of the Data Center was strengthened, allowing inspections related to short-term work allowances to be conducted through this digital infrastructure. Therefore, the COVID-19 period has acted as a driving force for enhancing digitalization and technological infrastructure. In Türkiye, the Data Center and the Labour Inspection Automation System (İTOS) are utilized to ensure that the tasks and operations conducted by the Directorate and Group Presidencies are carried out quickly and effectively, to adapt to advancing technology, and to develop user-friendly software. The Data Center facilitates the management and processing of data. It includes functions such as assignment processes, personnel management, labour inspection data, and inquiries about workplaces (foreign workers, workers, employers, etc.) within the scope of labour inspections. Mobile İTOS is an application that provides access to the İTOS and Data Center via mobile devices.

As is also mentioned during the in-depth meetings with labour inspectors, to make the system more effective, the digital infrastructure needs further strengthening, a more comprehensive automation system (e-İTOS) should be developed to replace İTOS. Data integration should be implemented, e-signatures should be integrated into the system, modules for workers and employers should be added, and data-driven decision support mechanisms should be incorporated. As we are informed by labour inspectors in depth interviews, technical specifications for this digital transformation have already been prepared, and the process is currently underway.

²³⁷ According to one perspective, in regulations concerning platform work should also include provisions that: (i) address working and resting periods for workers, (ii) ensure the ability for workers to work on multiple platforms, (iii) subject workers to liability for damages similar to regular employees, (iv) guarantee minimum wage protection, and (v) include provisions ensuring occupational safety and health (Baycik et al, 2021a, 789).

Additionally, the Directorate General of Occupational Health and Safety (DGOSH) has an Occupational Health and Safety Registration, Tracking, and Monitoring Program (İSG-KATİP) integrated into the e-government system. İSG-KATİP (Occupational Safety and Health Registration, Tracking, and Monitoring Program) is a system used in Türkiye for the management and supervision of occupational health and safety services. This system is used to access some of the information needed in occupational safety and health inspections, such as the registration/notification of authorized personnel conducting periodic control of work equipment, and the registration, tracking, and monitoring of the working hours of OSH professionals (occupational safety experts, occupational physicians, and other healthcare personnel). Although the system itself is not directly used for inspections, it serves as a supportive tool for accessing certain information and documents required by legislation during the inspection process. As emphasized during in-depth interviews with labour inspectors, by strengthening and securing the system's infrastructure, various documents related to occupational health and safety — such as periodic control reports for work equipment and periodic medical reports — could be uploaded to the system in the future. Currently, however, these documents are not yet integrated into the system. Additionally, the system could enable verification of whether the person controlling the work equipment is authorized to do so. While on-site inspections in the field of occupational safety and health are vital, inspectors reviewing the related documents through this system and making an initial assessment before conducting inspections would increase the speed and effectiveness of the on-site inspections. As we have presented in the section 2.2.1, in Portugal, for instance, inspectors begin with a broad initial assessment, followed by targeted inspections to avoid additional comprehensive inspections²³⁸. The inspection process is becoming increasingly computerized, allowing for electronic registration and more digital and documentary inspections; video recordings can be made during visits.

The utilization of technology may enable some inspections to be conducted remotely, particularly when the objective is mainly to verify documents, gather witness statements, or confirm the status of physical installations using photographic evidence, as also stated in the ILO's Guidelines on General Principles of Labour Inspection (Art.5.2.3). Electronic monitoring and virtual engagement with workplaces and workers, forensic interrogation of electronic records, and use of algorithms for planning and supervision of work should be improved (Art.5.2.3).

Technological advancements, notably the utilization of big data and data mining, can enable authorities to detect potential instances of undeclared or informal activities²³⁹. For instance, administrative data from various institutions and information extracted from platform websites offer opportunities for cross-checking and verification. Some countries have already utilized big data to identify incidents of non-compliance. For instance, in Ireland, the tax authority utilized advanced analytics to identify potential non-compliance patterns, employing a methodology akin to that of the Spanish Tax Agency²⁴⁰. Similarly, in Belgium, the social security administration utilizes data mining technology to cross-check data from various administrative sources, enabling the detection of potential instances of unreported income and evasion of social security contributions.

The traceability of platform activities, facilitated by digital contracts and transaction digitization, also offers an opportunity to formalize economic activities often concealed from authorities, a critical factor in advancing decent work and ensuring compliance²⁴¹. The data that can be utilized includes platform-collected data, complaint reports from users and workers about informal activities, and bank records of payments between users and platform workers. Achieving effective traceability depends on collaboration and information sharing between platforms and national authorities²⁴². Therefore, collaboration with social partners and new stakeholders in the platform economy is crucial to providing better OSH protections for platform workers²⁴³.

²³⁸ See, Report, International Technical Forum of Senior Officials of Labour Inspectorates: The new ILO guidelines on general principles of labour inspection and the future of work, Valencia, Spain, 17–18 November 2022.

²³⁹ ILO, 2024, 93.

²⁴⁰ ILO, 2024, 95.

²⁴¹ ILO, 2024, 93.

²⁴² It is also stated that the overall impact of these factors on formalizing economic activities is likely to differ based on the specific context and sector, including the existing level of formalization in the economy and the country's institutional capacity (ILO, 2024, 28).

²⁴³ Foldal et al, 34.

In Türkiye, the Presidential Decree No. 1, published in the Official Gazette No. 30474 on July 10, 2018, established the Presidency of Digital Transformation Office with the aim of consolidating various initiatives such as e-Government, cybersecurity, national technologies, big data, and artificial intelligence under a single umbrella organization²⁴⁴. The Financial Administration has been investing considerable effort into digitalization in its service areas, drawing on both OECD and the Presidency of Digital Transformation Office initiatives over an extended period. The “Digital Audit Project” continues to aim at transferring the tax inspection process as a whole into electronic platforms and transforming audit stages into technology-intensive processes rather than labour-intensive ones. The project addresses process steps, standard audit files, and electronic audits, structured within a tripartite framework²⁴⁵. The Ministry of Treasury and Finance announced lately that it will support the Presidential Savings Measures Directive with a concrete project named “the Artificial Intelligence Supported Accounting and Advanced Analytics Project” to enhance efficiency, quality, speed, and savings in public expenditures through an early warning system. The digitalization of the labour inspection process can be integrated with the ongoing process in tax administration.

It should be noted that it is neither possible nor appropriate to conduct remote inspections for all aspects of labour inspection. Therefore, it is necessary to determine which subjects and areas can be effectively and efficiently inspected remotely. For instance, maintaining on-site inspection methods is essential in workplaces, especially with high risks and frequent occupational accidents and sicknesses. Such methods are also necessary for addressing complex issues like child labour, forced labour, or discrimination, which are difficult to enforce remotely. On the other hand, even in on-site inspections, technological tools can be used to support and enhance the inspection process. For instance, one perspective suggests that drones could be highly effective tools for inspections and could facilitate the detection of OSH violations²⁴⁶. Many workplace accidents and fatalities, especially on construction sites, are caused by inadequate use of personal protective equipment, weak scaffolding, and poor working conditions. If drones were used by OSH inspectors to fly randomly over workplaces, they could serve as a significant reminder for both workers and employers to adhere to safety regulations, potentially leading to a substantial reduction in accidents and fatalities²⁴⁷.

2.2.7.3 Enhancing the competency of labour inspectors in atypical work, emerging risks, and technology

Labour inspectors need to have up-to-date and in-depth knowledge about the elements of new work forms, increasingly blurred worker-employer roles, new risks created by these work forms, related regulations, and Supreme Court decisions. With this comprehensive knowledge, inspectors can effectively perform their roles in providing information and guidance in new work forms, distinguish disguised employment relationships, identify non-compliance with regulations, and carry out inspections and enforcement actions.

Within this framework, for instance, training inspectors to detect platform activities, identify users, and understand common practices, particularly the role of algorithms, is crucial for analyzing work relationships in platform work²⁴⁸. Labour inspectors need specialized training to effectively detect these platforms and identify workers, as well as to determine if the platforms function as service providers or simply acting as intermediaries²⁴⁹. Inspectors should be proficient in assessing the indicators for personal dependence and analyzing the relationships between clients, workers, and the platforms.

²⁴⁴ See, <https://cbddo.gov.tr/hakimizda/>.

²⁴⁵ See, Özgenç, 2024.

²⁴⁶ Foldal et al, 30-31. It was noted that the Danish labour inspectorate might utilize drones for inspecting major construction sites or deploy small surveillance units at these sites for security purposes (Ibid, 27).

²⁴⁷ Foldal et al, 27, 30-31. For example, the Icelandic Directorate of Fisheries successfully uses drones for monitoring fishing activities along Icelandic coasts. While drones are primarily employed in outdoor settings, their use for inspection and surveillance would need to address privacy concerns and obtain legislative approval.

²⁴⁸ Leanerts et al, 10.

²⁴⁹ Paramo & Vega, 24.

Training inspectors on algorithms is also crucial as it is necessary for making informed decisions on risk assessment and mitigation efforts²⁵⁰.

Inspectors conducting remote inspections should not only be well-versed in labour regulations but also possess sufficient proficiency in technology. Indeed, labour inspectors are required to become proficient in managing large data, cloud computing, utilizing electronic files and signatures, and understanding smart factories, major logistics and electronic platforms, remote work, and the gig economy²⁵¹. Therefore, labour inspection should prioritize investing in training and recruiting skilled personnel, including specialized IT experts.

Strengthening inspectorates' capacity to monitor and detect labour law breaches is also essential. The Spanish case is viewed as a model of best practice model for other Member States due to its persistent and coordinated efforts, emphasis on raising structural awareness, and focus on capacity building and training for inspectors considering its internal and external information campaigns, technical manuals, inspector training, and coordinated monitoring actions²⁵². This model might also be considered for implementation within the Turkish system.

There is also a need for increased general awareness of the risks posed by new forms of work. in Türkiye. Efforts such as in-service training and seminars organized by the Ministry are currently being conducted to inform inspectors about new working methods. Enhancing the awareness of inspectors responsible for occupational safety and health inspections regarding the identification and prevention of new risks created by emerging working relationships is essential. In Sweden, for instance, efforts have been made to hire inspectors possessing the appropriate skills and expertise to address psycho-social risks²⁵³. In this regard, the ILO's Labour Inspection Convention, 1947 (No.81) also stipulates that "Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, including specialists in medicine, engineering, electricity and chemistry, are associated in the work of inspection, in such manner as may be deemed most appropriate under national conditions, for the purpose of securing the enforcement of the legal provisions relating to the protection of the health and safety of workers while engaged in their work and of investigating the effects of processes, materials and methods of work on the health and safety of workers" (Art.9).

Even in many European Countries, the majority of violations that lead to prosecution and conviction typically relate to mishandling "conventional" risks rather than addressing "new" or "emergent" ones²⁵⁴. For instance, despite widespread acknowledgment of psychosocial risks as significant contributors to work-related health issues, they are seldom the focus of prosecution cases for labour protection violations. Challenges of technical and legal nature are frequently cited as reasons behind this disparity. Besides, this is partly because managing psychosocial risks is extremely time-consuming, and it is crucial to ensure that attention to these risks does not come at the expense of addressing other hazards. To tackle this challenge effectively, it should be considered to have specialists in this area. Unions can also play an active role in raising awareness on this issue. There are notable examples in this regard. All Nordic countries carry out inspection campaigns or initiatives that specifically target psychosocial issues in sectors considered to be at high risk. In Denmark, most enterprises receive routine visits to inspect the psychosocial working environment²⁵⁵. The Administration for Occupational Safety and Health in Iceland, for instance advocates for fostering a healthy workplace culture during visits to companies and institutions, highlighting the impact of psychosocial hazards—such as stress,

250 Foldal et al, 34.

251 Paramo & Vega, 25.

252 Leanerts et al, 10.

253 Walters, 15.

254 Walters, 15.

255 Hansen et al, 61. In Denmark, if an enterprise is given guidance on the psychosocial working environment during an inspection, it will later receive a follow-up visit, similar to receiving an improvement notice. However, guidance on other working environment issues does not require a follow-up inspection (*ibid*, 63). The Danish Working Environment Authority (Arbejdstilsynet) carried out inspection campaigns in sectors experiencing high attrition rates due to ergonomic and psychosocial risk factors. Particular focus was placed on sectors such as institutions for children and young people, the homecare sector, adult residential institutions, and the passenger transport sector to inspect psychosocial risk factors (*ibid*).

violence, and bullying—on employees' mental health and well-being²⁵⁶. It is also considered that this can be further supported through media and social media campaigns designed to capture the attention of both managers and employees.

Labour inspectorates should also develop strategies to protect workers from musculoskeletal and psychosocial disorders, gain expertise in evaluating mental stress in the workplace, and collaborate with experts in artificial intelligence and robotics, as well as OSH specialists in digitalization, to keep pace with technological advancements²⁵⁷.

A good example is the Future of Work (FoW) group, established by the Nordic Labour Inspection Authorities in 2016, which is dedicated to providing expert guidance on the evolving challenges related to the Future of Work²⁵⁸. The FoW group creates reports and recommendations to assist labour inspectorates in addressing emerging work-life issues such as digitalization, artificial intelligence (AI), climate change, migration, and non-communicable diseases. The group's mission is to foster collaboration among national and international occupational health organizations, research communities, OSH experts, and labour inspectors to bridge the gap between OSH research and its practical application²⁵⁹.

It should be noted that labour inspection also needs to be competent and aware of the challenge of combating some virtual fraudulent practices regarding social regulation and addressing undeclared work or precarious employment in cloud-based environments²⁶⁰. For instance, there could be new softwares manipulating machinery, work equipment, or digital devices, leading to inaccuracies in work time calculations or clouding work environment data. Another aspect that the inspection organization needs to consider and be prepared for when monitoring platform work is the high motivation of platform companies to evade inspections and the resources, they have at their disposal to do so. Indeed, platforms may develop legal and other tactics to intentionally evade or bypass inspections and controls by relevant authorities²⁶¹. For instance, Uber's Greyball service is alleged to allow the company to operate in cities where it was illegal by showing law enforcement officers fake Uber cars on the app, preventing them from booking rides and catching drivers. Uber identified cops "by using the credit cards that the cops used, they cross checked merchant database against public servant database to guess who was a cop."²⁶² Uber's "Ripley" program is also alleged to be allowed the company to remote shutdowns of computers to obstruct police raids, reportedly used over 20 times between 2015 and 2016 in various locations like Canada, Brussels, and Hong Kong²⁶³. Managers at Uber offices were trained to alert headquarters in San Francisco to remotely log off computers and lock down devices, hindering authorities from accessing company records. While Uber claimed this was to protect customer data, some employees believed it impeded legitimate investigations, potentially amounting to obstruction of justice.

256 Foldal et al, 31.

257 European Labour Authority, 2021, 6.

258 Foldal et al, 9.

259 Foldal et al, 9. The FoW group has an interdisciplinary nature, encompassing a diverse range of expertise in work-life and occupational health, including academic, policy, and practitioner backgrounds (*ibid*).

260 Paramo & Vega, 22.

261 Lenaerts et al, 1.

262 See, <https://www.quora.com/What-did-Ubers-Greyball-service-do-exactly#:~:text=City%20officials%20were%20using%20Uber's,with%20bogus%20graphics%20and%20information>. However, Uber claims that this technology customizes the city app view for specific riders, showing them an alternative version. It has been utilized for various purposes, including testing new features by employees, running marketing promotions, preventing fraud, safeguarding drivers from physical harm, and deterring users who violate the app's terms of service.

263 Lovejoy, 2018.

2.2.7.4 Enhancing the role of social partners

The involvement of social partners has proven effective in addressing the needs of both workers and employers, enhancing compliance by raising awareness and fostering a better understanding²⁶⁴. This can also ensure a clearer perception of rights and protection requirements. Empirical evidence also demonstrates that the likelihood of violations is significantly reduced in unionized workplaces²⁶⁵.

According to the ILO's Guidelines on General Principles of Labour Inspection, any proposed electronic innovations should be communicated to employers' and workers' organizations, affording them the opportunity to voice any concerns they may have (5.2.5). Indeed, communication and cooperation between institutions, especially with social partners, should be enhanced in the area of labour inspection. One of the best examples in this regard is the Nordic labour inspectorates. They operate with a tripartite council that includes social partners, working to address complex OSH challenges through consensus-based resolutions²⁶⁶. The Nordic countries work together on various issues such as climate change, education, and the economy, serving as a model of regional cooperation. In OSH, this collaboration brings together Labour Inspectorates, Research Institutes, training programs, and social partners²⁶⁷. This approach, grounded in scientific research and tripartite cooperation among employers, labour unions, and government representatives, promotes innovative, consensus-based solutions. Consequently, the Nordic model has effectively maintained high living standards, low poverty rates, and strong social cohesion²⁶⁸.

In Türkiye, structures established according to social dialogue mechanisms have already been stipulated in the legislation. For example, the Occupational Health and Safety Law No. 6331 established the National Occupational Health and Safety Council. This council was serving as a platform that brings together social partners, universities, civil society organizations, and other relevant institutions. It facilitated the identification of needs, priorities, policies, and strategies related to occupational health and safety, while also allowing stakeholders to express their views and opinions. Following the amendment the OSH Law No. 6331 (OSH Law), adopted by Decree-Law in 2018 (Repealed: Decree-Law No. 703, Article 210, dated 2/7/2018), the National OSH Council was removed from the text of the OSH Law and references to the "National OSH Council" were replaced with "Board or Authority under the Presidency". The National OSH Board will be steered by the Social Policies Council of the Presidency. For example, the National Occupational Safety and Health Council evaluated Policy Document-I for the period 2006-2008 and prepared Policy Document-II for 2009-2013, outlining the targets to be achieved over the five-year period. The implementation of the Occupational Safety and Health Law and the completion of relevant regulatory work involved informing and promoting the new legislation to stakeholders and the public, with goals such as reducing the rate of workplace accidents by 20% per 100,000 workers set for this period. The National Occupational Safety and Health Policy Document and Action Plan for 2014-2018 were developed through extensive collaboration with members of the National Council and relevant institutions, focusing on a comprehensive and long-term approach involving the state, workers, and employers as key components of the labour market²⁶⁹. Despite its significant functions, the council has not convened for an extended period due to the structural change as mentioned above in 2018. Circular no. 32933 by the Presidency regarding the re-establishment of "National Occupational Health and Safety Council" was published in the Official Gazette on 21st of June 2025. According to the circular, the Council will meet at least once a year. In this regard, it is a

²⁶⁴ Paramo & Vega, 25.

²⁶⁵ Davidov, 121. See, Landau & Howe, 2016.

²⁶⁶ Mattilla Wiro et al, 62; Foldal et al, 8; Also see, Lane, 12.

²⁶⁷ Foldal et al, 8-9.

²⁶⁸ Foldal et al, 8-9. The Nordic working life model grounded in social dialogue and regular tripartite negotiations, serves as an important example of how countries can work together to achieve common goals for safe, healthy, decent, and sustainable working conditions. However, no model is without its challenges, and the sustainability of this approach is continually debated due to emerging technologies, global economic shifts, and demographic changes (Ibid, 8-9). Nordic countries generally achieve better occupational safety and health (OSH) outcomes compared to other high-income regions in Europe and North America. Their success in reducing fatalities, injuries, and diseases is largely due to their proactive preventive strategies, a solid tripartite system, effective communication, a strong tradition in OSH research, and a comprehensive social welfare model (Mattilla Wiro et al, 19).

²⁶⁹ <https://www.csgb.gov.tr/isggm/hizmetlerimiz/politika-ve-strateji/>

significant and timely development that the Council convened on 4 July 2025 under the chairmanship of the Minister of Labour and Social Security.

Another institution established with a similar approach is the Tripartite Advisory Board. This board aims to enhance industrial relations and labour peace by monitoring labour legislation and its implementation. It serves as a consultative body, providing effective dialogue between the government and the confederations of employers, public officials, and labour unions. According to Article 114 of Labour Law No. 4857, the board operates based on tripartite representation. Additionally, specific working groups can be formed within such structures to address more specialized issues.

Another relevant body is “the Labour Assembly”, which is a social dialogue platform established based on the Ministry of Labour’s 1946 Organization Law. This platform brings together all stakeholders to address issues related to working life and to develop policies. Representatives from universities, public institutions, trade unions and confederations, professional organizations, associations, and other relevant entities participate in these meetings, sharing their views and solutions. The most recent meeting of the Labour Assembly, which last had convened in 2019 and 2024, was held again in 2026.

With the effective implementation of the structures mentioned above, social partners will have the opportunity to influence the country’s labour market, and occupational safety and health policies and regulations. Additionally, through these structures, trade unions can play an active role in educating and raising awareness among their members about compliance with the rules they help establish. Activities conducted by trade unions for this purpose will contribute to the effectiveness of labour law and support the role of labour inspection. Moreover, trade unions can significantly contribute to the field of occupational safety and health by establishing dedicated units within their organizations, with successful examples of such initiatives already existing in Türkiye²⁷⁰.

According to one view in the doctrine, trade unions could play a more active role in monitoring occupational safety and health conditions of their members through internal control mechanisms, provided that such activities do not amount to the exercise of public inspection authority²⁷¹. In this context, rather than acting as independent certification bodies, trade unions may contribute to the prevention system by strengthening their own organizational capacity, developing expertise in occupational safety and health, and conducting internal assessments aimed at early detection of risks. Such an approach does not replace public labour inspection but instead supports it by facilitating compliance and enhancing awareness at workplace level. By operating effective internal control and guidance mechanisms, trade union structures can ease the workload of labour inspectors and function as complementary actors within the preventive framework of occupational safety and health. This supportive role may include cooperation and information-sharing with the labour inspectorate, as well as dialogue with employers to address non-conformities before they escalate. Where these efforts remain insufficient, trade union representatives can notify the labour inspectorate for further intervention. In this sense, trade unions are positioned not as inspection authorities, but as institutional actors contributing to prevention, compliance, and the effectiveness of the public labour inspection system.

As is mentioned in interviews with labour inspectors, another tool that could strengthen social dialogue is the Guidance and Inspection (DoGI) Academy (An online learning management system dedicated to DoGI). The DoGI Academy, which is in the planning stage, will offer various training modules for labour inspectors and social partners, operating as a digital learning management system. This platform aims to enhance the DoGI’s guidance role and foster social dialogue. By using this system, sectoral and/or general meetings and workshops that bring together social partners, academics, and relevant Ministry units can be held. This platform can also improve communication, cooperation, and sectoral awareness. For instance, by using this platform, open discussions can be held with employer confederations, labour unions, and worker representatives to address potential risks associated with workplace digital surveillance. Additionally, regular communication and collaboration between labour inspection and the judiciary need to be enhanced. It may be considered to create working groups through the RTB Academy platform, where labour inspectors and members of the judiciary can come together and share information, as well as hold regular workshops.

²⁷⁰ See, Akin, 118.

²⁷¹ Akin, 117-118.

2.2.7.5 Increasing inter-institutional cooperation and communication between public authorities

Cooperation between related authorities, including the exchange of information collected both during and after inspections, is crucial. As stated in ILO's Guidelines on General Principles of Labour Inspection, labour inspectors should be granted access to relevant data held by other institutions to aid in inspection tasks (3.2.5)²⁷².

In this context, firstly, communication, cooperation, and information sharing between labour inspectors and with all relevant ministries and institutions, such as the Ministry of Environment, the Ministry of Trade, and the Ministry of National Education, the Social Security Institution, and the Turkish Employment Agency (İŞ-KUR) might be enhanced. This will ensure the efficient use of resources. Currently, the Directorate of Guidance and Inspection ensures inter-institutional data sharing by establishing protocols with various public institutions as needed. However, with the transition to a more comprehensive automation system that will replace ITOS, the data from various institutions can be automatically integrated into this system. In this way, the speed and efficiency of data sharing can be enhanced. Particularly, with the integration of data provided by the Turkish Employment Agency (İŞ-KUR) into the system, labour inspectors will be able to monitor processes such as the imposition of administrative fines following inspections, whether these fines are appealed, and the court rulings regarding these appeals. Additionally, if an issue related to the responsibilities of different institutions is identified, this system would make it possible to share information without bureaucratic processes.

Close collaboration with the Personal Data Protection Authority could also be beneficial regarding digital surveillance practices to ensure that they align with relevant data protection regulations.

2.2.7.6 Enhancing the capacity of labour inspectors in the context of future of work

According to Article 91 of Labour Law No. 4857, the state is obligated to monitor and inspect working conditions through a qualified number of labour inspectors. The effectiveness of inspections and inspectors play a crucial role in this process. In Sweden, for example, labour inspectors have highlighted the need to expand inspector coverage to accommodate the increasing number of companies and workplaces²⁷³. This requirement also applies to cooperation with other authorities addressing work-related crimes and during planned inspections. Similarly, in Türkiye, it is important that the number of labour inspectors grows in proportion to the increasing employment rates and the rising number of workplaces. It should be noted that while increasing the number of inspectors is crucial, it alone is insufficient to fully address the issue. The effectiveness of the labour inspection system is considered to be more significant than the number of inspections conducted²⁷⁴. To achieve this effectiveness, a strategic and comprehensive planning approach is essential. Indeed, the ILO's Approach to Strategic Compliance Planning for Labour Inspectors illustrates this comprehensive approach. It proposes the development of a new methodology for labour inspection, taking into account the limited resources available to inspectors. The aim is to foster adaptation in the ever-evolving labour market through proactive, targeted, and situation-specific interventions involving multiple stakeholders²⁷⁵.

It should also be emphasized that in an environment where work relationships are becoming increasingly complex, new risks are emerging alongside traditional ones, and the economic and political

²⁷² However, guidelines also emphasize that it is crucial to ensure that any data matching or access aligns with national privacy and information protection regulations. Moreover, such procedures should not infringe upon the fundamental rights of individuals.

²⁷³ Foldal et al, 32

²⁷⁴ Paramo & Vega, 24.

²⁷⁵ ILO, 2017.

context makes it increasingly difficult to implement protective rules, the importance of labour inspection is not diminishing but rather increasing. In this context, expectations from labour inspectors are actually increasing both qualitatively and quantitatively. While it is demanded that labour inspectors meet these expectations, it should be remembered that they are also public workers. Therefore, their salaries and statutory rights and benefits must be at a respectful level, their workload should be kept reasonable, the tools they use and the facilities they stay in while performing their duties should be improved, and they should also be protected against psychosocial risks. Otherwise, expecting effective inspections from labour inspectors whose own basic protection needs are not met would not be realistic.

2.2.7.7 Developing an emergency action plan for extraordinary conditions, including pandemics

Considering the challenges faced in working life and the labour inspection during the COVID-19 pandemic and the measures implemented, an emergency action plan should be prepared to ensure readiness for any potential future pandemics.

The remote inspection mechanisms to be integrated into the current system will be beneficial in the case of a future pandemic. However, areas of labour inspection that must continue even during a pandemic, such as businesses with high occupational health and safety risks, should be identified in advance, and their uninterrupted execution should be ensured. It should be determined in advance which workplaces require on-site inspections, even under pandemic conditions, and which can be inspected remotely. Measures to protect labour inspectors from occupational safety and health risks during these inspections should be determined in advance. Inspectors should carefully pre-plan visits, assess the necessity and potential risks, and ensure the proper use of personal protective equipment.



► Concluding remarks

The legal ambiguities concerning atypical works in Turkish labour law create uncertainties about the roles, rights, and obligations of the parties involved. This situation hinders the effective implementation of rules and obstructs proper labour inspection. Therefore, to address this issue, relevant legislation should be developed, updated, or clarified with the involvement of social partners and in the light of developments in comparative law. It is also essential to ensure that current occupational safety and health regulations are enforced and updated within the framework of new working relations and new technologies.

Regulating every detail in the laws is not realistic; the details of the law should primarily be addressed through specific regulations. However, regulations written in legal jargon alone are also not entirely enough to resolve the issue. There is a need for clear and accessible guidelines that explicitly detail the rights and obligations of all parties involved in a manner that is easy for everyone to understand. These guidelines should also be prepared with the participation of social partners.

Digitalization and integration of some remote inspection mechanisms into the system is also fundamental to enhance the efficiency of labour inspections and prepare for the future of work. In addition to traditional on-site inspections, remote/digital inspection methods should be introduced, which are also necessary for preparing for events like the COVID-19 pandemic. The opportunities offered by technology should be effectively utilized to modernize and digitalize the labour inspection system. In this context, the ongoing digitalization process in labour inspection needs to be completed. It should be noted that it is neither possible nor appropriate to conduct remote inspections for all aspects of labour inspection. Therefore, it is necessary to determine which subjects and areas can be effectively and efficiently inspected remotely. For instance, maintaining on-site inspection methods would be inevitable in workplaces, especially with high risks and frequent occupational accidents and sicknesses. Such methods are also necessary for addressing complex issues like child labour, forced labour, or discrimination, which are difficult to enforce remotely.

Enhancing the competence of labour inspectors in atypical work, emerging risks, and technology is another crucial step that needs to be taken. Labour inspectors need to have up-to-date and in-depth knowledge about the elements of new work forms, increasingly blurred employee-employer roles, new risks created by these work forms, related regulations, and Supreme Court decisions. With this comprehensive knowledge, inspectors can effectively perform their roles in providing information and guidance in new work forms, distinguish disguised employment relationships, identify non-compliance with regulations, and carry out inspections and enforcement actions. Labour inspectors are required to become proficient in managing large data, cloud computing, utilizing electronic files and signatures, and understanding smart factories, remote work, and the gig economy. Therefore, labour inspection should prioritize investing in the training of highly skilled personnel, including specialization in IT and data analysis, to address modern workplace challenges more effectively. Specialized staff should be engaged in such roles.

Enhancing the role of social partners is another crucial aspect in addressing the issue. Engaging social partners has been effective in meeting the needs of both employees and employers by increasing awareness, fostering understanding, and improving compliance. There have already been some social dialogue mechanisms in Türkiye. First and foremost, these mechanisms should meet regularly, and their effectiveness should be ensured. Additionally, the Guidance and Inspection Board Academy is a useful project for raising awareness and improving communication and coordination among the parties.

Collaboration between relevant authorities, along with sharing information gathered during and after inspections, is also essential. Labour inspectors should have straightforward access to all related data maintained by other bodies and institutions to support their inspection duties.

Having a sufficient number of labour inspectors is also a fundamental requirement in this regard. In Türkiye, it is necessary to ensure that the number of labour inspectors keeps pace with the rising

employment and the growing number of workplaces. However, it should be kept in mind that while maintaining the number of inspectors adequate enough to perform their responsibilities effectively is crucial, it alone is insufficient to fulfill the missions. The effectiveness of the labour inspection system is considered to be more significant than merely the number of inspections conducted. To achieve this effectiveness, a strategic and comprehensive planning approach is essential. Indeed, the ILO's Approach to Strategic Compliance Planning for Labour Inspectors illustrates this comprehensive approach. It proposes the development of a new methodology for labour inspection, taking into account the resources available to inspectors. The aim is to foster adaptation in the ever-evolving labour market through proactive, targeted, and situation-specific interventions involving multiple stakeholders.

Lastly, it is essential to develop an emergency action plan to ensure preparedness for any potential future pandemics, given the challenges encountered in working life and labour inspection during the COVID-19 pandemic, along with the measures that were put in place. Integrating remote inspection mechanisms into the existing system will be advantageous for managing future pandemics.

As a result, adapting Türkiye's labour inspection system to the future of work requires a multipronged approach that balances modernization with traditional methods. By addressing the ambiguities, leveraging technology, enhancing inspector skills, and fostering collaboration, the system can ensure better worker protection, compliance, and resilience in the face of evolving workplace challenges. In this context, enhancing inspectors' skills should be understood not merely as general training, but as continuous capacity-building aimed at equipping inspectors with the ability to assess new forms of work, emerging risks, and complex employment relationships, as well as to effectively use digital tools and data-driven inspection methods. Likewise, strengthening cooperation among public authorities, social partners, and other relevant actors is essential to reinforce proactive approaches and to ensure the effectiveness and sustainability of the labour inspection system.

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► Annex-In-depth interviews and focus group questions

A Focus Group Questions for Labour Inspectors of DoGI

A.1 Current Situation

1. What are the strengths and areas for improvement of the existing labour inspection and guidance system in Türkiye in terms of scope, authority, and sanctions for enforcement of national labour legislation?
2. What are the main challenges to ensuring workplace compliance through labour inspection in Türkiye?
3. Do you find the communication and coordination between labour inspectors and other stakeholders (e.g., other ministries and relevant public institutions) regarding labor inspection and guidance activities in Türkiye to be sufficient?

A.2 COVID-19

4. As labour inspectors, what challenges have you faced during the COVID-19 period (e.g., risk of contamination of COVID-19, increased workload, logistical challenges)? What are your recommendations for overcoming these challenges? What lessons should we learn from the challenges posed by the COVID-19 pandemic in terms of labour inspection? What preparations should be made for the possibility of another outbreak?
5. In your opinion, what should be the role of labor inspection and guidance activities in Türkiye in the context of the future of work and the post-COVID-19 period? What new labour inspection models could be considered regarding work processes and occupational health and safety?

A.3 Atypical Work Models

6. What are the issues and new compliance risks that hinder the provision of decent working conditions in the changing work environment and emerging work models (such as remote work, flexible work, platform work, etc.) due to the pandemic and technological developments? What are your suggestions for overcoming these challenges?
7. What are the challenges posed by atypical work models (remote work, flexible work, online platform work, etc.) for labour inspection? What recommendations do you have to better address these challenges in the future?
8. Do you believe that labour legislation needs to be updated or improved for effective labour inspection in order to ensure compliance in these new work models? If yes, what improvements should be made?
9. Remote workers are exposed to certain psychosocial risks, including social isolation, blurred boundaries between work and personal life, decreased organizational commitment, increased domestic violence, etc. Moreover, while remote work offers flexibility and work-life balance, it can blur the boundaries between work and personal life. What should be the future role of labour inspectors in preventing these work-related psychosocial risks?
10. Prolonged sitting at work can lead to various health problems, primarily musculoskeletal (e.g., back and neck problems) and cardiovascular disorders. Do you encounter ergonomic issues like these in workplaces? What measures should be taken to address such issues?
11. Changes in Employer-Employee Relationships: There are differences in the employment status of couriers in other countries. Are labour inspections conducted to ensure the rights, protections, and occupational health and safety of workers in such jobs? What should be the future role of labour inspection for these different work modalities?
12. In atypical work models (including online platform work), the employer-employee relationship is often unclear. Responsibilities for the risks associated with the job are shifted to

the workers, who may not have the capacity to intervene in these risks. Are labour inspections conducted for such jobs, and if so, what challenges are faced? What should be the future role of labour inspection for these different work modalities?

13. Is labour inspection conducted regarding issues such as working hours, and occupational health and safety measures in work models like teleworking? What are the challenges encountered in this regard?

A.4 Technological Developments

14. Automation industries, along with artificial intelligence and robotics, are transforming the workforce. While automation potentially replaces workers, it also creates new job opportunities in software areas such as AI development and maintenance. As automation changes occupational skill requirements and technological changes affect health, environmental, and safety issues, how should new occupational health and safety risks brought by automation be addressed during labour inspections?
15. Surveillance: Employers are increasingly using digital tools (such as camera surveillance, GPS in vehicles, monitoring of production, etc.) to monitor employees. This raises issues such as privacy, protection of workers' personal data, psychological effects of disproportionate employer surveillance, and the blurring of working hours. Are labour inspections conducted regarding digital monitoring systems? What should be the future role of labour inspection regarding these issues?
16. With technological advancements, different inspection methodologies and techniques emerge. For example, remote inspections without physically visiting the workplace, using big data, AI-supported risk modeling, and decision support mechanisms. Are you currently using or planning research and development activities for such inspection tools in your department?
17. Do you have sufficient knowledge about the use of digital inspection tools (such as drones and cameras) in detecting violations of labour laws? What benefits and challenges could digital inspection tools bring to labour inspections? Are additional legal regulations needed on this matter?

A.5 General Assessment

18. Do you believe that collaboration and coordination among stakeholders such as the Directorate of Guidance and Inspection, administrative authorities, and social partners for the strategic and risk-focused planning of labour inspection and guidance services in Türkiye for the future are adequate? What could be done to improve this collaboration and coordination?
19. Other comments and suggestions:

B Interview Questions for Representatives of Workers' Organizations

B.1 Current Situation

1. What are the strengths of the existing labour inspection and guidance system in Türkiye in terms of scope, authority, and sanctions for enforcement of national labour legislation?
2. What are the main challenges to ensuring workplace compliance through labour inspection in Türkiye?

B.2 COVID-19

3. As worker representatives, how do you assess the importance of labour inspections, particularly during periods of pandemics like COVID-19, in terms of occupational health and safety and worker protection?
4. As worker representatives, what are the challenges posed by the COVID-19 pandemic for your members, and what lessons should we learn? How should we prepare the labour inspection and guidance system for the possibility of future pandemics?

B.3 Atypical Work

5. Considering the new work models brought about by advancing technologies (such as remote work, flexible work, platform work, etc.), what challenges and benefits do you foresee for the protection of workers now and in the future?
6. How can occupational health and safety be addressed concerning the increase in remote work and short-term jobs?
7. Changes in employer-worker relationships: In atypical work models (including online platform work), the employer-employee relationship is often unclear. Responsibilities for risks associated with the job are often shifted to employees, who may not have the capacity to intervene in these risks. What legal regulations are needed to ensure safe and healthy working conditions for such jobs? How can labour inspection systems be made more effective in protecting the rights of workers in these atypical work models?
8. There are differences in the status of couriers' work in other countries. What are your views as worker representatives on ensuring the rights and protections of workers in such jobs, particularly concerning occupational health and safety, and what should be the future role of labour inspections?
9. In the context of the future of work, what do you consider to be the most significant risks for protecting workers? Which specific worker groups do you believe require tailored policies and which groups do you consider particularly at risk?

B.4 Technological Developments

10. Automation, artificial intelligence, and robotics are transforming industries. While automation may potentially replace workers, it also presents new job opportunities in software development and maintenance. With changing skill requirements and technological advancements affecting health, environment, and safety, how do your members approach the health, safety, and environmental issues brought about by automation, and what are your recommendations as worker representatives?
11. Employers are increasingly using digital tools for monitoring employees (such as camera surveillance, GPS tracking in vehicles, and production monitoring). This raises concerns about privacy, protection of personal data, the psychological impact of disproportionate surveillance, and the blurring of working hours. How do your members approach the issues related to digital monitoring systems in workplaces, and what are your views and recommendations as worker representatives?

B.5 General Evaluation:

12. How can the current labour inspection and guidance services in Türkiye contribute to the future of work and the post-COVID-19 era?
13. Do you believe that collaboration and coordination among stakeholders such as the DoGI, administrative authorities, and social partners are adequate for strategic and risk-focused planning of labour inspection and guidance services in Türkiye? What can be done to improve this collaboration and coordination?
14. Any other opinions or suggestions?

C Interview Questions for Representative of Employers' Organizations

C.1 Current Situation

1. What are the strengths of the existing labour inspection and guidance system in Türkiye in terms of scope, authority, and sanctions for enforcement of national labour legislation?
2. What are the main challenges to ensuring workplace compliance through labour inspection in Türkiye?

C.2 COVID-19

3. As employer representatives, what are the challenges posed by the COVID-19 pandemic for your members, and what lessons should we learn? How should we prepare the labour inspection and guidance system for the possibility of future pandemics?

C. 3 Atypical Work

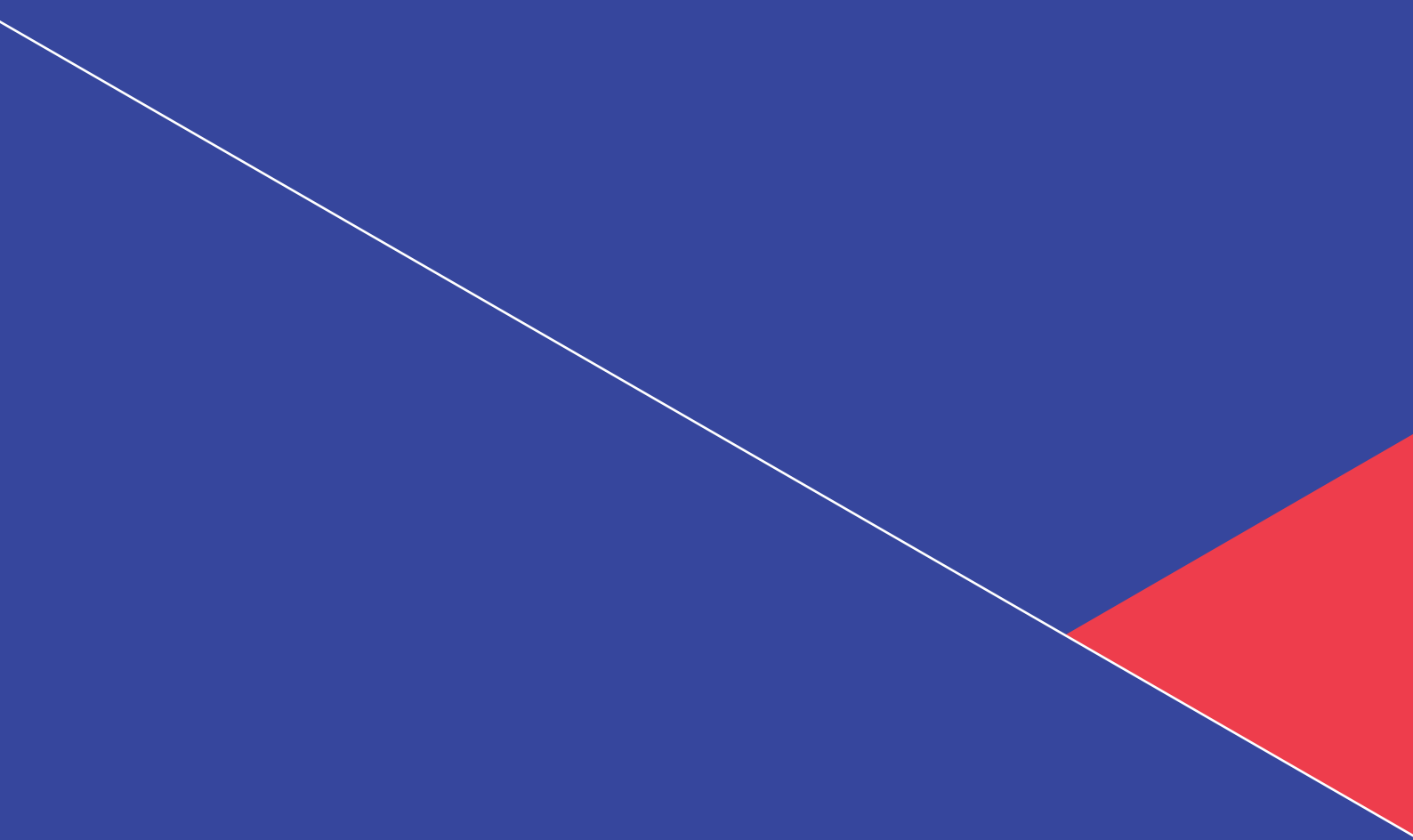
4. What do you think are the most significant risks and challenges emerging for employers in the context of the future of work?
5. Changes in employer-worker relationships: In atypical work models (including online platform work), the employer-employee relationship is often unclear. Responsibilities for risks associated with the job are often shifted to employees, who may not have the capacity to intervene in these risks. What legal regulations are needed to ensure safe and healthy working conditions for such jobs? How can labour inspection systems be made more effective in protecting the rights of workers in these atypical work models?
6. There are differences in the status of couriers' work in other countries. What are your views as employer representatives on ensuring the rights and protections of workers in such jobs, particularly concerning occupational health and safety, and what should be the future role of labour inspections?

C.4 Technological Developments

7. Automation, artificial intelligence, and robotics are transforming industries. While automation may potentially replace workers, it also presents new job opportunities in software development and maintenance. With changing skill requirements and technological advancements affecting health, environment, and safety, how do your members approach the health, safety, and environmental issues brought about by automation, and what are your recommendations as employer representatives?
8. Employers are increasingly using digital tools for monitoring employees (such as camera surveillance, GPS tracking in vehicles, and production monitoring). This raises concerns about privacy, protection of personal data, the psychological impact of disproportionate surveillance, and the blurring of working hours. How do your members approach the issues related to digital monitoring systems in workplaces, and what are your views and recommendations as employer representatives?

C.5 General Evaluation:

9. In your opinion, what should be the role of labor inspection and guidance activities in Türkiye in the context of the future of work and the post-COVID-19 period? To ensure that the labor inspection system can more effectively promote decent work conditions, considering emerging risks related to the future of work, which areas should be improved?
10. Do you believe that collaboration and coordination among stakeholders such as the DoGI, administrative authorities, and social partners are adequate for strategic and risk-focused planning of labour inspection and guidance services in Türkiye? What can be done to improve this collaboration and coordination?
11. Any other opinions or suggestions?



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